



FEDERAL BUREAU OF INVESTIGATION

SACCO/VANZETTI CASE

PART 14 OF 14

FILE NUMBER : 61-126

SUBJECT

Sacco - Vanzetti

FILE NUMBER

Sub A

SECTION NUMBER

SERIALS

Newsclippings

Mr. Tolson	✓
Mr. Nathan	✓
Mr. Clegg	✓
Mr. Coffey	✓
Mr. Crowl	✓
Mr. Dawsey	✓
Mr. Egan	✓
Mr. Foxworth	✓
Mr. Glavin	✓
Mr. Harbo	✓
Mr. Lester	✓
Mr. McIntire	✓
Mr. Rosen	✓
Mr. Tracy	✓
Miss Gandy	✓

Sacco-Vanzetti Attorney's Book To Name 'Guilty'

Pittsburgh, Aug. 21 (AP).—Judge Michael A. Musmanno, of the Commonwealth Pleas Court, who has long contended that the famous Sacco-Vanzetti trial in Boston was "framed," said today he would publish a book this fall in which he will "prove their innocence" and "name the guilty persons."

The judge, who entered the case for three days and remained in Boston three months as attorney for Bartolomeo Vanzetti and Nicola Sacco, said his 300-page book would contain many "inside details" of the case never before printed.

Two men were electrocuted on August 22, 1927, for a pay roll robbery and murder.

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Vanetti Lawyer To Publish Book on Case

Judge Musmanno Says He'll
 Name the Guilty Persons

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 case never before printed.

He added:
 "I have fifty-eight hand-written
 pages by Bartolomeo Vanetti on
 the case which have never been told.
 When the book is published there
 will be no doubt about the innocence
 of the men. I will tell who the
 guilty persons were."

Of Vanetti, Judge Musmanno
 said:

"He was a philosopher whom I rate
 with Socrates because of his bril-
 liance and humanitarianism."

Musmanno said he had planned
 the book since the two men went to
 the electric chair on August 22,
 1927. He passed most of this sum-
 mer in New England gathering ma-
 terial, returning to Pittsburgh last
 week.

The two men were electrocuted
 for a pay-roll robbery and murder.
 Musmanno succeeded in staying
 their execution two weeks. In his
 book, he declared, he will show that
 the men were "framed" because of
 their political views.

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CLIPPING FROM
 NEW YORK HERALD TRIBUNE

DATE AUG 22 1934

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HAS SACCO-VANZETTI DATA

Pittsburgh Judge Says He Will Prove Their Innocence

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"When the book is published there will be no doubt of the innocence of the men. I will tell who the guilty persons were."

Judge Musmanno said he had planned the book since the two men went to the electric chair Aug. 23, 1927. He spent most of the summer in New England gathering material, returning to Pittsburgh last week.

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Mr. Nichols
Mr. Rosen
Mr. Tracy
Mr. Carson

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CLIPPING FROM
NEW YORK TIMES

DATE AUG 22 1938

FORWARDED BY NEW YORK DIVISION

Of Facial Hatred

By GEORGE BORT.

"Agents of Hitler" have used misinformation about European refugees to incite race hatred in the United States, Frank Peterson, deputy mayor of Los Angeles, said here Tuesday night.

Mr. Peterson, on a ninety-day speaking tour for the Council of Refugee Aid at invitation of the U. S. State Department, spoke to a small group of Louisville men and women in the Kentucky Hotel. He wears an American Legion emblem.

He said that on his trip he has found repeated evidence of deliberate anti-Jewish propaganda, pegged on misrepresentation about refugees by "people who do not believe in an independent form of government."

Forged Circular Cited.

He asserted he saw a forged circular in Indianapolis purporting to be a letter from one Jewish citizen congratulating another on having assisted in bringing 55,000 Jewish refugees into Indianapolis. Actually, Mr. Peterson said, the number is about eighty.

Only in Denver, out of the thirty-five cities he has visited, Mr. Peterson said, has he failed to find a story circulated that the town's largest Jewish-owned department store has fired workers to take on Jewish refugees. Investigation of these rumors, he said, has proved them untrue.

Other Propaganda Listed.

Other Nazi-inspired propaganda items circulated about refugees, he declared are these:

- 1—Refugees are flooding the United States every week, and they're all Jewish.
- 2—They go on W.P.A. immediately after arriving, forcing taxpayers to support them.
- 3—They take jobs away from American citizens.
- 4—They are fifth columnists.

Answering the first rumor, Mr. Peterson said the immigration laws have not been changed since 1929 and Hitler came into power in 1932. The nation's annual quota of immigrants still is 153,000, of which 55 per cent is apportioned to the British Isles, so that at a maximum, only 80,000 immigrants could have come from Germany and German-occupied countries in the last eight years. Actually, he said about 250,000 have come from these countries in the last eight years.



FRANK PETERSON

are women, children and old persons not looking for jobs, and the remaining 45 per cent are largely skilled laborers in arts not developed in this country before the war. The result, he continued, has been transfer of 600 businesses from Europe to the United States.

Contributions Praised.

He said that while Jewish immigrants have constituted only 60 per cent of the total since Hitler came into power, American Jews have contributed 95 per cent of all funds used in total assistance and have made gifts to the Protestant and Catholic refugee agencies to enable continuation of their work. Total average contributions of all four principal refugee organizations is \$8,000,000 a year for the eight-year period, he estimated. Protestant, Catholic, Quaker and Jewish agencies are chief of the many operating under state department license, he said.

Regarding the rumor that many refugees are fifth columnists, Mr. Peterson pointed out that immigrants must be passed by the state department, immigration bureau and Federal Bureau of Investigation before admission, and that they "hate everything Hitler stands for." Nevertheless, he said, "Hitler

- Mr. Foxworth
- Mr. Glavin
- Mr. Ladd
- Mr. Nichols
- Mr. Rosen
- Mr. Carson
- Mr. Hoboman
- Mr. Quinn Tamm
- Mr. Hendon
- Mr. Tracy
- Gandy

SUBMITTED BY LOUISVILLE
FIELD DIVISION
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by Special Agent

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Victory in Death

The headlines screamed that Sacco and Vanzetti had been executed, and men read them with a shiver, and wondered, perhaps, if this thing which had been done with such awful finality were the just desserts of crime or a hideous mistake." So Frederick Lewis Allen recalled in *Only Yesterday* the fateful early hours of Aug. 23, 1927, when Nicola Sacco, a cobbler, and Bartolomeo Vanzetti, a fishmonger, were electrocuted in Boston for a crime they most likely did not commit. The passions of the hour—which swept around the world—still find the echo 30 years later. It is a mark of the enduring torment over the Sacco-Vanzetti case that a letter on the case elsewhere on this page could be signed by 12 persons who might agree on little else.

Great cases have obscure beginnings, and such was true of what later became this country's most celebrated criminal case. On April 15, 1920, two men were shot to death in a payroll robbery in South Braintree, Mass. Circumstantial evidence pointed to two Italian immigrants, who happened to be anarchists, but the court testimony was clouded by contradictions and the trial judge showed a clear bias against the defendants. As the case dragged through the courts, the stoic calm of Sacco and Vanzetti was in ironic contrast to the hysteria which gripped much of this country and a score of world capitals. To be sure, Communists exploited the case, but the source of the outcry lay far deeper than Moscow's attempts at meddling. Men of goodwill everywhere were shocked when the respectable leaders of Boston lent their prestige to what seemed to be an outrageously rigged trial.

It was not the first time that hysteria prejudiced judgment, nor will it be the last. But one of the glories of a free society is that past errors cannot be scrubbed from the pages of history; they remain, instead, as a reminder that even the best of institutions is fallible. On May 4 of this year, the Massachusetts Legislature gave official recognition to one such folly of the past in clearing the names of the "witches" hung in Salem in 1692. The wheels of history move slowly, but surely the Massachusetts Legislature would win applause if it waited less than 265 years to clear the names of a fishmonger and shoemaker whose trial seemed similarly warped.

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This Last Hour of Agony

Three decades have passed since the execution of Sacco and Vanzetti in the first few minutes of Aug. 23, 1927.

Those still living of the multitudes of individuals around the world, noted and unknown, who had become convinced at that time the electrocution of the two Italians was a miscarriage of justice, do not need to be reminded of this 30th anniversary.

That event in Charlestown Prison close by Boston Common and Charles Bulfinch's Massachusetts State House was an experience for them they have always kept vivid in their consciousness. Ask any one of them what he was doing the night of the execution. He'll invariably respond instantly and in detail, no matter how many thousands of miles he was away from Boston.

This complete memory recall is a phenomenon born of the personal anguish of those days over the imminent fate of Sacco and Vanzetti and what it meant. Not since that time has there been another effort by so many people in so many places to bring about what they conceived to be justice in a particular case.

Questions present themselves insistently when one reflects on the deep-seated personal commitments engendered by that case on so far-flung a front among people of all kinds and conditions. Could similar commitments be again evoked on such a scale by another case embodying factors and elements like those in the Sacco-Vanzetti case? Or have three decades so altered human circumstances that a comparable evocation would be impossible?

There is value for the community in attempts to answer such questions. The potential role in this regard which the two men's tragedy might play was foreseen by Vanzetti.

In one of his final letters from the prison death cell he wrote: "What I wish more than all else in this last hour of agony is that our case and our fate be understood in their real being and serve as a tre-

mendous lesson to the forces of freedom so that our suffering and death will not have been in vain."

Gutson Borglum cast that sentence prominently on his large bas-relief of the two men. A standing offer of the sculpture was made 10 years ago, on the 20th anniversary, to the Governor of Massachusetts and the Mayor of Boston by a committee of prominent citizens which included Albert Einstein, CIO President Philip Murray and Mrs. Franklin D. Roosevelt.

From his Princeton home on that occasion Einstein said: "Everything should be done to keep alive the tragic affair of Sacco and Vanzetti in the conscience of mankind. They remind us of the fact that even the most perfectly planned democratic institutions are better than the people whose instruments they are."

"At that time (during the Sacco-Vanzetti case) the desire for justice was as yet more powerful than it is today, although it did not triumph. Too many horrors have since dulled the human conscience. Therefore the fight for the dignity of man is particularly urgent today. May Sacco and Vanzetti continue to live as symbols in all those who strive for a better morality in public affairs."

We share the faith and hope expressed by Einstein and his associates. We sign this letter on the 30th anniversary of Sacco's and Vanzetti's execution because we believe that special periodic re-evaluation of notable past experience in the search for justice helps to revitalize that search from generation to generation.

ARTHUR M. SCHLESINGER, ROGER N. BALDWIN, GARDNER JACKSON, ALDINO FELICANI, JAMES M. LANDIS, JOHN R. CHAMBERLAIN, HOWARD LINDSAY, EUGENE V. ROSTOW, GERALD W. JOHNSON, JOHN DOS PASSOS, EUGENE LYONS, NORMAN THOMAS.

Washington.

See editorial, "Victory in Death."

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'Vanzetti Didn't Call Himself a Poet' Just 'a Fish Peddler for Freedom'

By ART SHIELDS

Bartolomeo Vanzetti didn't call himself a poet. He was much too modest for that. He was just "a poor fish peddler," who fought for workers' freedom, he said. But few poets have more tragedy and triumph than the story of Vanzetti on the photograph opposite this page.

The FBI and the New England media leaders didn't care for freedom and protest. However, And Vanzetti was strapped in a chair and 12 men walked through him in the big hall in Boston.

His friend Nathan Sacco, a young worker, died with him. The trial this crime was Aug. 22, 1927. That's just 30 years ago next birthday.

Now frame up was ever harder. You have and two murders raised the world to more anger and grief. And I'll give a few glimpses of the frame up case as I witnessed it from the beginning. For I knew both men from the last year of their seven-year fight for life.

I LEARNED to love those strong kindly men as we talked of many things with them in prison bars around us. Each had led struggles of their fellow workers. And they liked to speak of the happy future, when workers would get the fruit of their toil and all men and women could enjoy the birds and trees together.

And they never weakened at the thought of death.

I came into the case in early November, 1920, at the call of Elizabeth Garley Flynn, who did so much to save them. And I rushed to Boston at once. For the case had won no attention outside of a few workers' papers in Italian and Spanish, and some scumious bits in the capitalist press.

But a real campaign was beginning. A lawyer, who had exposed several western frame ups had come. And new evidence was appearing.

SACCO and Vanzetti were arrested in May in the backwash of the terrible "Red Raids." Some 10,000 foreign born workers had been pulled in by Attorney General A. Mitchell Palmer and J. Edgar Hoover, the present FBI chief. And Sacco and Vanzetti were grabbed in Brockton, Mass., by local cops as they were about to hold a meeting to protest an FBI murder.

The FBI victim was Andreas Sakas, a close friend of Vanzetti. He had pitched to his death from the 14th story window of the Bureau of Investigation on Park Row, New York City. This was "murder," said a New York American editorial a day or two later. And the manuscript of a protest manifesto was in Sacco's pocket when the cops got them.

The two young Italians were third degree as "dangerous radicals" at first. But the charge was soon switched to "murder." And they were made the goats for an unsolved payroll robbery killing in South Braintree, Mass., the month before.

The charge seems ridiculous now. The payroll killing was a highly professional job. It was a cold-blooded murder as well. And two FBI agents, Lawrence Letherman and Fred J. Wexand, later admitted under oath that the FBI men knew that Sacco and Vanzetti were innocent.

BUT the FBI felt that a conviction of Sacco and Vanzetti for murder would be one way of disposing of them," said Letherman, who had headed the Boston office of the Bureau of Investigation.

So the FBI threw its undercover army into the frame up campaign. And the blood of Sacco and Vanzetti is on the FBI's hands. For Felix Frankfurter, the present Supreme Court justice, well said in a book in 1927 that:

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"Facts have been disclosed, and ~~not~~ denied by the prosecution, to show that the case against Sacco and Vanzetti was part of a collusive effort between the district attorney and agents of the Department of Justice to rid the country of those Italians because of their Red activities."

I think the plot would have failed had Sacco and Vanzetti not been betrayed from within. They were betrayed by their first attorney, a Boston labor lawyer, who afterwards became a law partner of the district attorney.

The betrayal came when Vanzetti was framed in another case that summer.

★
THE D. A. and the FBI wanted to bring Vanzetti into the murder trial with a criminal record against him. So they framed him on another charge of attempting another holdup which failed. And the treacherous lawyer let the crooks smear him at will.

The climax came when the judge told the jury that "this man (Vanzetti) . . . is an enemy of our existing institutions."

And the traitor didn't object.

The judge Webster Thayer of Wooster, Mass. was a tool of the plotters to the end. But a willing tool and a bitter one too. For he hated progressive workers as much as J. Edgar Hoover himself. And the evil old man once boasted to a friend: "Did you see what I did to those anarchist bastards the other day? I guess that will hold them for a while."

(From an affidavit by Prof. James P. Richardson of Dartmouth College, who heard the poisonous words.)

★
I HAD seen some western frame-ups already. But I was still somewhat naive when I entered the defense office near Boston's Scollay Square. And I was frankly amazed when I listened to the clear-cut woman in our office building one night.

She was a kindly old lady, who always gave us a smile. And she called the lawyer and me "son's."

"I'd be careful what you put in your wastebaskets," she said. "The Department of Justice men get them. They told our boss to save every scrap of paper from this office. They're up to ~~no good~~ young fellows. I tell you."

MEANWHILE the campaign against the frame up was spreading overseas. The workers of Italy were marching in a big way. A Spanish syndicalist in the defense office was covering the labor papers of Latin America. The Communist parties of the world—which were to become the mainstays of the campaign in later years—were mobilizing labor in every land. Elizabeth Gurley Flynn and Mother Bloor and other mass leaders were reaching the unions. And by 1922 the A.I.F.'s national convention called the conviction of the two Italian workers "a ghastly miscarriage of justice."

But Sacco and Vanzetti were convicted of "murder" nonetheless. The dirty job was done in a childlike courtroom, where the defendants sat in an iron cage and the foreman of the jury, an explicit child, saluted the flag ostentatiously every day. The corridor bristled with guns of state cops. And Judge Thayer called on jurors to do their duty like soldier boys "on the battle fields of France."

I can only hint at the way the frame up was pulled apart in the next years. One State Police Captain admitted his testimony was framed. The "murder" eye-witnesses admitted they had lied. And many new witnesses spoke up.

And it would take a book to tell of the millions of marching men and women in those later years. The world's best known intellectuals were crying for justice. Albert Einstein, George Bernard Shaw, H. G. Wells, Anatole France, Romain Rolland, Martin Anderson, Nexo, Edna St. Vincent Millay were among them. And labor's great leader, Gene Debs was fighting too.

But the frame up rolled on. For "the momentum of the established order required the execution of Sacco and Vanzetti," said Robert Lincoln O'Brien, the owner of the Boston Herald and Traveler.

★
I WAS there in the final weeks when a small army of pickets got our own poet, Mike Gold, and Edna St. Vincent Millay among them, were picketing the State House for Sacco and Vanzetti. And the cops kept arresting them and the pickets.

(Continued on Page 16)

Shields

(Continued from Page 7)

kept coming back.

The Sacco Vanzetti story was the world's biggest now. The New York Times, which gave the murder conviction seven inches in '21, was spreading it over four, five and six pages now. For the demonstrations were rolling like thunder over the world.

But the movement in Boston itself was weaker than elsewhere. And Gov. Alvan T. Fuller, the Park and Motor magnate, with a fortune of 20 to 40 millions, kept saying No. He hoped to climb into the White House over the bodies of the two murdered Italians. It turned out he was ruined politically instead.

The Governor didn't see this political ruin coming, however. And he jeered at petitioners duly. And he kept turning back to Vanzetti's first trial. And the Governor sneered when he was reminded that Vanzetti had 18 alibi witnesses, who saw him selling eels in his home town of Plymouth that day.

The witnesses were Italians, however. And the rich Anglo-Saxon rejected them.

What would convince him was evidence in writing, the Governor said. He MUST have the receipt that Vanzetti gave the fish dealer for the eels he was selling.

We took up the Governor's challenge at once. And I quickly got three lawyers together and went to the fish market on the Boston waterfront. And we found the

seven-year-old receipt at the bottom of a two foot pile of old papers in a fish dealer's place after a long hunt. It was signed "B. Vanzetti." The handwriting could not be denied.

The Governor just snorted and pushed the receipt aside. And we went back with double energy to a campaign we had started before. That was to open the FBI files.

FBI agents had said they knew Sacco and Vanzetti were innocent. And telegrams and cables from many lands began demanding that the evidence of innocence be produced.

But J. Edgar Hoover sat tight while Sacco and Vanzetti were murdered. And I say again, that the blood of Sacco and Vanzetti is on the FBI's head. And there's little doubt that Hoover was thinking of the Sacco and Vanzetti case when he discussed the Supreme Court's ruling that defendants in future must have the right to see the reports that FBI stoolies have filed against them.

Sacco and Vanzetti are dead. But they didn't die in vain. No workingclass martyr dies in vain. And the workers' cause is in my time's stronger today than in 1927.

Across America**Atom-Powered Oil Industry**

DALLAS, Tex.—Chemical and oil industry scientists are talking here of ways to use atomic explosions to tap an estimated 1,000,000,000 barrels of oil locked underground in Colorado, Utah and Wyoming. Preliminary studies showed "considerable promise" . . . led to the current meeting to discuss whether nuclear blasts might be used to break up oil shale formations or to heat oil bearing sands so that the oil would flow more readily toward a collecting well.

Politician Exhumes Sacco and Vanzetti

BOSTON—Sacco and Vanzetti, the two Italian immigrants whose conviction and finally, execution for murder in the 1920's, produced a wave of bombings both here and abroad . . . touched off a debate in the Italian parliament . . . became the most frequently discussed topic of its day . . . and cost the state of Massa-



Sacco

Vanzetti

chusetts a sizable amount of money . . . are back in the news. Rep. Alexander J. Cella, twenty-nine-year-old Democrat from Medford, Mass., has invited another great debate by asking the Massachusetts Legislature to pardon the two men to "correct an historic injustice." Rep. Cella was born two years after Nicola Sacco and Bartolomeo Vanzetti were executed Aug. 22, 1927.

L. A. Smog Fighters Warn Auto Makers

LOS ANGELES—City councilmen and county supervisors agreed that something drastic was needed to fight Los Angeles' smog problem . . . decided to ask the state legislature to ban the sale of new cars in California within a year unless the auto makers develop a practical anti-smog device for automobiles. Four anti-smog devices for cars are near the testing stage and show promise of being effective, according to S. Smith Griswold, chief of the air pollution control district.

Alaska Feels Pangs of Statehood

WASHINGTON—The Internal Revenue Service has ruled that since Alaska is now a part of the Union the 25 per cent cost-of-living allowance paid to federal employees stationed there is now taxable. Assistant commissioner Harold T. Swartz said only government employees stationed outside the continental United States are entitled to tax exemption on their cost-of-living allowances. Sen. E. L. Bartlett, D., Alaska, called the ruling shocking, said he would seek to have it reversed . . . declared it would injure federal employees serving in Alaska and "make impossible the maintenance there of the high standards of Federal service which now exists."

Supermarket Strike Taxes Small Stores

LOS ANGELES—Some 5,000 residents of the metropolitan area have rushed to neighborhood markets for their food and grocery needs during the six-day shutdown of 1,000 supermarkets. The smaller stores which once settled for 30 per cent of the business are now straining to keep their shelves stocked . . . many operators complain of working endlessly without sleep to meet customer demands. The 16,000 striking supermarket clerks are asking wage increases and other benefits spread over five years that total an 82.4 cent hourly increase. Employers offer a 50-cent package.

Postage Rate Hike Boosts Revenues 18%

WASHINGTON—Postal revenues since the postage increases of last Aug. 1 have shot up more than 18 per cent according to Post Office Department estimates. No final financial figures are available for the Aug. 1 to Dec. 12 accounting period, said authorities, who also reported a slight nationwide increase in mail volume for the same period. The higher revenues stem from introduction of the four-cent letter, the three-cent postcard, seven-cent airmail, and some boosts in third-class mailing rates.

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Sacco, Vanzetti Haunt State House in Boston

BOSTON, Jan. 8 (AP).—Sacco and Vanzetti have been dead 31 years, but their ghosts may stalk the halls of the Massachusetts State House again in 1969.

Once again there may be a great debate on the question which made these two obscure Italian immigrants—one a fish peddler, the other a shoe worker—world figures in the 1920s and subjects of controversy ever since.

Were they really guilty of murdering a factory paymaster and his guard and robbery of a \$15,000 payroll?

Or were they convicted by a hard-hearted New England jury because they were aliens and draft dodgers and admitted to being "radicals"? And what ever became of their reported accomplices?

Representative Alexander J. Cella, Medford Democrat, now wants the Massachusetts Legislature to pardon the two men "correct an historic injustice."

Mr. Cella, 29, was born two years after Sacco and Vanzetti were executed August 23, 1927.

Sacco Was Married

Nicola Sacco, 29, a shoe factory worker, was married, and had a son and a daughter. He lived in Stoughton, 10 miles south of Boston.

Bartolomeo Vanzetti, 32, unmarried and a fish peddler, lived in Plymouth.

On April 15, 1920, Frederick A. Parmenter, shoe factory paymaster, walked from one plant building to another carrying the payroll. His guard was Alessandro Berardelli.

As they crossed a street in suburban South Braintree, two

men who had been lounging against a fence suddenly opened fire.

Mr. Berardelli fell. Mr. Parmenter was fatally wounded as he ran.

The men grabbed the payroll and escaped in a car containing two or three other men.

Three weeks later Sacco and Vanzetti were arrested on a street car. Both carried loaded revolvers.

Bullets taken from Mr. Berardelli's body were identified as similar to those in cartridges found on Sacco. The Vanzetti gun was identified by prosecution witnesses as one taken from Mr. Berardelli.

Prosecution eyewitnesses said the defendants showed "consciousness of guilt" by lying when arrested.

Some Broken Down

The defense tore down the reputations of some of the eyewitnesses and established at least some question on the identification of the Sacco bullets and the Vanzetti gun. The lawyers argued that the two men lied because they feared they were being seized in a roundup of "radicals."

In a six-week trial both were convicted of first-degree murder and were sentenced to execution.

der and were sentenced to execution.

During the trial the home of presiding Judge Webster Thayer was bombed. He was the home of one of the jurors.

The locked-up jurors learned afterward that police had guarded their homes day and night.

World wide agitation began during the trial. The case was debated in the Italian Parliament. There were demonstrations in Milan and scores of other cities through the world.

The American Embassy in Paris was bombed. American legations in Tokyo, Lisbon and Buenos Aires were threatened with bombings.

Conviction Upheld

After innumerable motions for new trials, appeals to the State and Federal courts, and to the United States Supreme Court, the conviction was upheld.

Judge Thayer's conduct of the trial was questioned. He was accused of prejudice, or making intemperate remarks—away from the court—about the defendants.

Final appeals were made to then Gov. Alvan T. Fuller. He appointed a committee headed by President A. Lawrence Lowell of Harvard to study the case. The others were a former judge, Robert Grant, and S. W. Stratton, president of Massachusetts Institute of Technology.

The committee ruled the trial was fair, and gave its own opinion the men were guilty.

As for Judge Thayer's conduct, the committee noted that despite defense charges and claims, defense lawyers filed not a single exception to the charge the judge delivered

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to the jury. What about the other men in the holdup car? Defense sympathizers asked. No one else was ever brought to trial.
In mid-August of 1927 Gov. Fuller refused to commute the death sentences.
Come the night of August 23. The State House was picketed. The State prison area was crowded.
Police, 800 strong, with machine guns and other weapons, stood guard.
Sacco and Vanzetti were executed just after midnight.

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Wash. Star A 12 _____
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N. Y. Mirror _____
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Daily Worker _____
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Trial of Sacco and Vanzetti Still Debated

Hearing Thursday Revives Dispute That Shook World

The Sacco-Vanzetti case will be revived at a State House hearing, starting tomorrow at 10 a.m. in Gardner Auditorium.

Posthumous pardons are sought for the two executed as slayers, in a bill to be heard by the Legislative Committee on the Judiciary.

Globe court reporter Harvey reviews the case, one of the most controversial in Massachusetts legal annals, in a two-installment story, which starts today and continues tomorrow.

By JOSEPH M. HARVEY

On Apr. 15, 1920 about 3 p.m., Frederick Parmenter, paymaster of the Slater and Morrill Shoe Co. in South Braintree, left one of the company's buildings to carry a payroll to another building nearby.

He was accompanied by a guard, Alexander Berardelli, as he carried two boxes containing \$15,776 in cash. The two walked across the New Haven Railroad tracks toward the second building.

As they came in front of the Rice and Hutchins factory building on Pearl st., South Braintree, they were met by a burst of gun fire from two or

more men standing not far from a Buick car.

Berardelli fell wounded to the road, his unfired gun dropping beside him. Parmenter, struck by one of the bullets, dropped the box of money, spilling the cash into the pavement and he started to run across the street to the shelter of another building.

The gunmen followed Parmenter and shot him to death, then returned to the wounded Berardelli. Then, according to witnesses, one of the gunmen fired three or four more shots killing the guard.

The bandits scooped up the money, jumped into the car and sped away, as witnesses later would testify, with the muzzle of a rifle or shotgun sticking out of the car.

This robbery and murder

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Boston Globe XXXX
Boston American
Boston Record
Christian Science Monitor

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Editor: Joseph M. Harvey
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Pardon Still Sought for Executed

Group Claims Sacco, Vanzetti Victims of Red Scare

Pair



VANZETTI, SACCO IN PRISONERS' DOCK

that soon exploded into the notorious Sacco-Vanzetti case that became a cause celebre and is argued down to this day.

The Massachusetts Legislature, in fact, is being asked to consider a resolve to settle the matter by declaring that Nicola Sacco, 19-year-old fish peddler and philosopher, anarchist, and Bartolomeo Vanzetti, 32, a shoe factory worker and radical agitator, were not guilty of those crimes.

The shots fired by the gunmen at Braintree were heard around the world, like the shots at Concord Bridge. Fa-

mous students of the law like present Supreme Court Justice Felix Frankfurter, and judges and lawyers discussed that famous trial in speeches, in learned treatises and in law reviews for years afterwards.

The so-called liberals of that day rushed to the defense of the two men, claiming they were victims of their political and social beliefs, rather than of a proper functioning of the courts judging such crimes.

PARDON MOVE

Page Three

PARDON MOVE

Continued from the First Page

Bleeding hearts and sob sisters of that day were out in full voice. The home of the judge who presided at the trial was bombed. There were reports that police stations would be bombed, that the subway tunnel between Boston and East Boston would be blown up if Sacco and Vanzetti were executed.

Well, apart from a bomb at the home of Superior Court Judge Webster Thayer, there were no explosions and there was no uprising when Sacco and Vanzetti died in the electric chair at the old State Prison in Charlestown on Aug. 22, 1927.

Execution Held Off

Their execution came seven years after the crime, six years after they had been found guilty following a record-breaking trial in the Old Superior Court House for Norfolk-Plymouth County.

The trial was as spectacular in its way as the notorious Brinks robbery.

The Court House was surrounded with armed police. In the corridors and the court-

room more police stood guard.

The defense argued much about this point later, claiming it prejudiced the jury against the defendants.

Though there reportedly were several men who took part in the robbery and murders, only Sacco and Vanzetti were arrested, brought to trial and charged with the crime.

The two men were arrested in the late Summer of 1920 and indicted in Sept., 1920. They pleaded innocent. A special sitting of the Superior Court was ordered for their trial.

Because of the wide spread public feeling and publicity given to their case, an extra large venire of jurors—500 in all—were summoned to the courthouse on May 31, 1921.

Jurors were challenged on many counts. They were objected to if they had opinions about the case, if they were laborers, if they were of Italian extraction. It was not until June 4 at 1:35 a.m., that a full jury of 12 men was chosen.

Presentation of evidence began the following Monday and the case went on until the jury came back with a verdict on July 14, 1921.

Voluminous Record

The record in the case is truly voluminous. In brief, witnesses said they saw a man who looked like Sacco firing shot at Berardelli. There was evidence that a cap belonging to Sacco was found near the body of Berardelli. There was evidence, not quite conclusive some said, that the bullet that killed Berardelli was found to have markings similar to one fired from Sacco's gun.

There were witnesses who said they saw Vanzetti near the get-away car. Some evidence suggested that Vanzetti had shotgun shells in his possession.

Both Sacco and Vanzetti

were reported by witnesses at various places, supposedly in the get-away car as that vehicle sped away from the robbery scene.

Both Sacco and Vanzetti were found carrying loaded guns when they were arrested later by police. Their excuse for carrying the weapons was that they, being "radicals," were afraid of being taken into custody and deported due to the then current "Red" scare.

Vanzetti also said he carried the gun because there had been so many robberies and crimes at the time. Sacco said he had put the gun in his belt intending to go shooting in the woods, but forgot about it. Sacco lived in Stoughton and Vanzetti lived in Plymouth.

Political Issue

During the trial, the issue of whether or not the two men were "radicals" or anarchists or "Reds" was brought in repeatedly. This seems to form the main claim of those who protest the innocence of the two men.

The argument is that a jury being hard-headed New England Yankees was naturally resentful of any one who did not profess a love of America and its institutions.

This was, in large part, the basis of one of the three appeals taken for the two men to the Massachusetts Supreme Judicial Court, highest court in the state.

The first appeal to that court resulted in one of the longest opinions written by the Supreme Court in such a case. There were long delays between the final jury verdict and the time that case reached the Supreme Court on appeal the first time.

A large number of motions for new trial and for various other legal maneuvers were filed following the verdict. Then the judge became sick, three different district attorneys in the county came and went, and there were other delays.

Katzmann Prosecutor

Frederick G. Katzmann was the district attorney who started the prosecution of the case. His assistant at the outset, and later his successor was the present Supreme Court Justice Harold P. Williams.

Katzmann was not re-elected to office mid-way in the case, but he was retained as an assistant on the case by District Attorney Williams. The defense tried to challenge Katzmann's legal status because of this change in office, but the Supreme Court did not uphold the argument.

The first Supreme Court appeal was argued to that Court in January, 1926. The famous criminal trial lawyer William G. Thompson argued for the defendants. District Attorney W. N. Wilbar and D. P. Ranney, Assistant District Attorney appeared for the Commonwealth.

The argument in the main, was circumstantial evidence was insufficient to convict the two men. The sanity of the two men was questioned. Vanzetti at one time after the crime had been ruled "dangerous" and insane and committed to a state hospital, but

he was later declared sane and returned to prison.

The Supreme Court, in a 78 page decision, reviewed the history of the case and the evidence against the two men.

The Court noted that Sacco, born in Italy had come to the United States in 1908 at the age of 17, but that a week before the registration for the draft in June 1917, he left the country and stayed in Mexico. The Court noted that Sacco had been opposed to the United States entering the war against Germany and had denounced the war.

Loyalty Quiz

Thus it was that during the trial, Sacco was questioned at length by Dist. Atty. Katzmann as to his loyalty to the United States.

Sacco was asked such question as, "Is your love for this country measured by the amount of money you can earn here?" He was also asked if he had condemned Harvard College and the public schools in Boston and if he had said "The United States is a disappointment."

These questions, the defense argued with vigor, were aimed at inciting the prejudices of the jurors.

But the Supreme Court noted also that Judge Thayer, in his charge and instructions to the jury had told the 12 men that, "the radical as well as the conservative, the foreign born as well as the native born, are entitled to and should re-

ceive in all trials under our laws the same rights, privileges and consideration as the logic of law, reason and sound judgment, justice and common sense demand."

The Court also noted that Judge Thayer told the jurors, "I therefore beseech you not to allow the fact that the defendants are Italians to influence or prejudice you in the least degree. They are entitled under the law, to the same rights and considerations as though their ancestors came over on the Mayflower."

Appeal Rejected

The Supreme Court, in a decision written by Justice Henry K. Braley rejected the appeals of Sacco and Vanzetti.

"We have examined carefully all the exceptions in so far as argued, and finding no error the verdicts are to stand," the Supreme Court ruled on May 12, 1926.

But the defense attorneys persisted. They went back to the Superior Court before Judge Thayer, seeking new trials a short time later on the ground that one Celestin Ma-

deiros, sometimes called Madeiros, under indictment for the murder of a bank cashier, James Carpenter, during robbery of a bank at Wrentham, had confessed to the Braintree murders.

Madeiros, the defense argued, claimed that he and some of the "Morelli Gang" were involved in the Braintree murders and that one of the gang, Joe Morelli looked very much like Sacco.

Judge Thayer declined to grant new trials, and the defense lawyers went back again in Jan. 1927 to the Supreme Judicial Court with another appeal.

(To be completed in tomorrow's Globe.)

Mr. McGuire
Mr. Mohr
Mr. Parsons
Mr. Rosen
Mr. Tamm
Mr. Trotter
Mr. W. C. C. C.
Tele. Room
Mr. Holloman
Miss Gandy

Gov. Fuller's Probe Found Sacco, Vanzetti Had Fair Trial

(The Sacco-Vanzetti case, which stirred the world a generation ago, is again before the public eye.)

The Massachusetts Legislative Committee on the Judiciary is hearing a bill today which would grant posthumous pardons to the two men executed as slayers.

Gardner Auditorium at the State House is the setting for the revival of the case, one of the most controversial in Bay State legal annals.

Globe court reporter Harvey completes his review of the Sacco-Vanzetti hearings today, resuming as the Massachusetts Supreme Court has received—in January, 1927—the second appeal for the convicted men.)

By JOSEPH M. HARVEY

The Supreme Court's opinion this time, handed down on Apr. 5, 1927, was shorter, 14 pages long. The opinion was written by Justice William Cushing Waite.

The defense argued mainly two points, the Madeiros "confession" and also a claim that U.S. officials who were carrying on a "Red hunt" at the time had "conspired" with the state prosecutors either to convict Sacco and Vanzetti of murder, or to prove that they were "dangerous radicals" and subject to deportation.

The defense argued the trial was "grossly unfair."

The Supreme Court again turned them down. Said the court in considering the purported confession of Madeiros: "An impartial, intelligent and honest judge would be justified in finding that the confession gains no persuasive force from the credibility of Madeiros, that the facts relied upon by the defendants for confirmation, if true, go no further than to furnish a basis for a contention that he and some members of the Morelli

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gang of criminals took part in the murders at South Braintree, but fall far short of furnishing adequate proofs of their guilt or of establishing reasonable doubt of the guilt of the defendants."

The noted Harvard Law School Prof. Edmund M. Morgan, writing several years later about the case and the "confession," referred to Madeiros as "a liar... a bouncer, rumrunner, smuggler, crook, thief, robber and murderer." Madeiros won acquittal on a purely technical point on the charges then against him.

But the Sacco-Vanzetti lawyers, now supported by a vigorous "Defense Committee" and active organization of "liberals" went back to the Supreme Court with a third appeal.

This appeal came before the court in August, 1927, after the death sentence had been imposed on Apr. 9, 1927, on Sacco-Vanzetti. The two men

were in prison all this time.

The third appeal attacked Judge Thayer as being so prejudiced against the two defendants that "your petitioners never had a judicial consideration" such as guaranteed to them by the state and Federal Constitutions.

These new arguments came first before Justice George A. Sanderson as a single justice of the high court. Justice Sanderson ruled: "After giving careful consideration to the matter, I consider it my duty to deny the application."

The appeal then went before all the justices of the high court. In a four-page decision on Aug. 18, 1927, Justice Henry K. Braley again denied the appeals and dismissed the petitions.

The clamor on behalf of what Prof. Morgan called "the fanatical factory worker and the amazingly attractive fish peddler philosopher" then moved up Beacon Hill to the State House.

The then Gov. Alvan T. Fuller, besieged by pro and

con pleas for the two men, appointed a special committee comprising Harvard Pres. A. Lawrence Lowell, M.I.T. Pres. Samuel W. Stratton and retired Judge Robert Grant to investigate the case and make a report to him.

Asked to Intercede

The governor had been asked to intercede and grant executive clemency to the two convicted men then under death sentence.

Gov. Fuller not only took the unprecedented step of appointing such a committee. He also undertook a personal investigation, interviewing witnesses, talking to members of the jury and other persons having information on the case.

The governor wrote his own eight-page decision in Aug. 1927 denying the men clemency.

In explaining the reasons for his own investigation and for naming the special committee

Gov. Fuller wrote in his decision, "I realized at the outset that there were many sober minded and conscientious men and women who were genuinely troubled about the guilt or innocence of the accused and the fairness of their trial."

Fuller said he set out to answer for himself and for the commonwealth three questions: Was the jury trial fair? Were the accused entitled to a new trial? Are they guilty or not guilty?

Said Gov. Fuller of the jurors in his precedent-shattering report, "I find the jurors were thoroughly honest men and that they were reluctant to find these men guilty, but were forced to do so by the evidence. I can see no warrant for the assertion that the jury trial was unfair."

"I have read the record and examined many witnesses and the jurymen to see from a layman's standpoint whether the trial was fairly conducted. I am convinced that it was," Gov. Fuller added.

The governor's special committee were guilty, the committee reported, though there were some circumstances and incidents of the trial that warranted criticism.

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Mr. DeLoach	_____
Mr. McGuire	_____
Mr. Mohr	_____
Mr. Parsons	_____
Mr. Rosen	_____
Mr. Tamm	_____
Mr. Trotter	_____
Mr. W.C. Sullivan	_____
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Mr. Holloman	_____
Miss Gandy	_____

THE SACCO-VANZETTI BILL

A legislative committee today will conduct a hearing on a bill "to correct an historic injustice" in the case of Nicola Sacco and Bartolomeo Vanzetti, executed in 1927 for murder in a payroll robbery at South Braintree seven years before.

That such a measure would be presented became inevitable after the lawmakers' action two years ago in reversing "attainders, judgments and convictions" in the cases of 13 women and seven men hanged after the Salem witchcraft trials of 1692.

Posthumous rehabilitation of those put to death by the law is rare but not unknown. The most famous was the canonical retrial of Joan of Arc, who was later named a saint.

The Sacco-Vanzetti case aroused so much controversy in Massachusetts, so much agitation and so many doubts the world over, that an effort to obtain still another review was bound to come.

* * *

The two defendants were Italian anarchists, radicals, but intensely hostile to Russian Communism. After their arrest appeals sent to groups of their fellows abroad brought in a large fund for legal defense, but also stirred demonstrations in foreign countries which damaged the defendants' chances here. The emotional conflict between outside opinion and Massachusetts officialdom began early. It still persists.

Carrying the burden of defense, after the pair were found guilty at Dedham in 1920, was the late William G. Thompson, a leader of the Boston

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Bar, a crusader, who fought all his cases to the bitter end. In repeatedly bringing appeals to the Supreme Judicial Court he did little more than was his custom in defending public utilities in damage suits.

Over seven years the case developed complexities and built up doubts, especially with the publication of remarks attributed to Judge Webster Thayer, who had presided at the trial. Gov. Fuller appointed a review commission, consisting of Presidents Lowell of Harvard and Stratton of M.I.T. and Probate Judge Robert Grant.

They confirmed the jury's verdict, but doubts would not down. Before the execution large numbers, mostly visitors, staged demonstrations in Boston. Later Judge Thayer's house was bombed. In the generation since much has been written, but little further light has been thrown on the case.

* * *

The chances that this or any foreseeable Legislature will rehabilitate Sacco and Vanzetti are infinitesimal. Nor is it likely that there will ever be discovered evidence that will satisfy everyone as to their innocence or guilt.

Yet the bill and the hearing are reminders that justice is always on trial. Habit often makes it too easy to consider procedures an end of the law instead of a means of obtaining fair play. It does the administration of justice no harm—and often effects good—when court findings meet challenge from time to time.

UNCLE DUDLEY.

Many Plead for Pardon...

Sacco-Vanzetti Hearing On

The Sacco-Vanzetti case—and all the issues that made it one of the world's most celebrated trials—came back to life today.

The Legislature was asked to admit that the Commonwealth erred in executing Nicola Sacco and Bartolomeo Vanzetti in 1927 for a double murder in Braintree seven years earlier.

The Joint Committee on the Judiciary held a hearing in Gardner Auditorium on the proposal of Rep. Alexander J. Cella (D.) of Medford, that the Governor be asked to grant a posthumous pardon to the Italian-born radicals.

A crowd of about 400 was orderly. There was a stir when a man displayed death masks of Sacco and Vanzetti for news photographers. He was ordered to remove them from the auditorium, and he did so.

Cella emphasized the executed men were admittedly anarchists, but "in no sense were they Communists."

He claimed the trial was "greatly influenced by a hostile atmosphere and a climate of hysteria." He told the committee:

"In effect, I am saying to you that the judge, jury, Gov. Fuller and the Lowell Committee, all of which heard the evidence and the arguments in this case, were wrong in their judgement, and those of us who appear here today seeking vindication of the names of Sacco and Vanzetti are right.

SAYS MANY AGREE

"This might well represent a new height of presumptuousness were it not for the fact that

in the 32 years which have elapsed since the executions historical judgement has almost without reservation reached substantially the same conclusion.

"Fair-minded men of all political and social points of view who have had occasion to familiarize themselves to a greater or lesser degree with the case have almost without exception agreed that a great miscarriage of justice was committed."

Judge Michael A. Musmanno of the Pennsylvania Supreme Court, who as a young lawyer fought for the condemned pair, savagely attacked those responsible for the conviction.

He said never in his career



Sacco



Vanzetti

had he "encountered a case where the forces of the prosecution were so unscrupulous, so unethical and so diabolically

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skillful as they were in the Sacco-Vanzetti case.

"Nor have I ever encountered in life or even in fiction a judge presiding over a murder trial who was so lacking in the high standards which make an upright judge, so deficient in jurisprudential knowledge and so saturated with personal animosity and prejudice against the men on trial."

EX-COUNSEL OPPOSED

But another of the former defense counsel, Herbert B. Ehrmann of Brookline, refused to back the bill for a posthumous pardon.

He said he still feels the pair were innocent, but that action by the Legislature would be "quite meaningless." He thinks the case "may best be left to the judgement of mankind."

Waiting to speak for the bill were Prof. Arthur M. Schlesinger of Harvard, Prof. John P. Roche of Brandeis, and Rev. Roland P. Sawyer, who was a state representative when the executions were carried out.

The case, which led to demonstrations around the globe, boiled down to whether the men were convicted on the evidence, or because they were World War I draft dodgers, "foreigners" and radicals at a time of strong public feeling against all three types.

On April 20, 1920, a paymaster and his armed guard were shot by two men as they approached the Slater and Morrill Shoe Co. in South Braintree with a \$15,776 payroll. The bandits escaped with the cash box.

Sacco, a shoemaker, and Vanzetti, a fish peddler, were arrested near Brockton three weeks later. Both were armed.

Before they went on trial for the murders, friends raised

from all parts of the world a defense fund of more than \$200,000. Some came from Russia, and some from Communists in other countries, but a great deal came from people who believed they were being persecuted for political beliefs.

The defendants were convicted, and that started a seven-year legal battle that went repeatedly to the State and the U. S. Supreme courts. It was finally ended by Gov. Alvan T. Fuller, who refused clemency after a three-man committee headed by President A. Lawrence Lowell of Harvard found the trial was fair.

A State House public hearing to grant posthumous pardons to Sacco and Vanzetti ended at 11:25 last night after lengthy, repetitious testimony from lawyers, judges, historians, publicity seekers and earnest young men.

At times a spirit of violence which marked the seven-year legal battle to save Sacco and Vanzetti from the electric chair in the 20's—hammered and boiled during the day and night hearing.

A die-hard audience of about 200 sat through the 12-hour hearing. The "beatnik" generation, complete with whiskers, long hair and turtle-necked sweaters, was well represented. "Angry young men" were there, too, while others were persons familiar to reporters who have covered trials or hearings involving Communists.

VIOLENCE FLARES

Sitting in dignified silence as spectators were Peter Fuller, son of the late Gov. Alvan T. Fuller, Robert Henderson, son-in-law to Gov. Fuller, and Frank Allen, Jr., son of the lieutenant governor under Fuller and subsequently governor.

Violence flared in the audience after Rep. George Greene (D.) of Roxbury, a member of the joint committee on the judiciary, blasted Pennsylvania Supreme Court Justice Michael A. Musmanno for his bitter verbal attacks on Judge Webster Thayer, Gov. Fuller and the entire prosecution staff.

They presided at the controversial trial, while Gov. Fuller refused to grant clemency to the convicted murderers.

RECESS RESTORES ORDER

The public hearing had to be recessed for five minutes while court officers restored order among the restless, vociferous members of the audience.

Musmanno was a young attorney who assisted the defense during the trial 32 years ago. He appeared in favor of the pardon petitions.

Others appearing in favor of the petitions included an 85-year-old man and a 23-year-old



JUDGE M. MUSMANNO

Favors Pardon Petitions
(Record-American Photo, Louis Trélat)

college boy who was armed with 15 pages of notes and said he had "read about" the case.

HIS MIND CHANGED

But Herbert B. Ehrmann, who worked on the defense side for six years, wrote the committee that while he believed Nicola Sacco and Bartolomeo Vanzetti were innocent, he now believed the case "may best be left to the judgment of mankind."

Judge Musmanno told the committee: "Never in the annals of criminal trials which ended at the gallows or in the electric chair was a case of the prosecution so completely demolished as it was in the Sacco-Vanzetti case."

"I have never encountered a

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Pardon Bid For Vanzetti, Sacco Flares

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Justice Musmanno's devastating analysis of Mr. Russell's evidence in *The New Republic* March 2, following an equally devastating analysis from another angle in the pamphlet-sized article by Fred J. Cook in *The Nation* Dec. 22, leaves

little for a layman to add about Mr. Russell's elaborate attempt to convict Sacco again 35 years after he was burned alive, and inferentially, to whitewash his executioners. *The Nation* and *The New Republic* deserve the thanks of all friends of justice for publishing these two articles.

I would like permission, however, to add a word in defense of the memory of Carlo Tresca which has been besmirched by Mr. Russell's statement that Tresca privately told Max Eastman "that Sacco was guilty." I knew Carlo Tresca very well and was closely associated with him in the campaign for Sacco and Vanzetti, and for 26 years after that until his own death 20 years ago. We collaborated over the years in many activities of common interest during which we had occasion to visit each other's offices, to eat and drink wine together at Italian restaurants, and to talk of many things in friendly, casual conversation. It would not be too much to say that we were friends.

Never, at any time, did I ever hear him express or even intimate any doubt about the innocence of Sacco and Vanzetti. And I never heard any report, or rumor, or gossip, from anyone else who ever heard such a thing about Tresca until Mr. Russell's statement hit me in the eye.

In my book Carlo Tresca is not guilty of the whispered accusation against Sacco, belatedly reported when he was safely dead for 19 years and unable to speak for himself.

James P. Cannon

Mr. Tolson	_____
Mr. Belmont	_____
Mr. DeLoach	_____
Mr. McGuire	_____
Mr. Mohr	_____
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Mr. Rosen	_____
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New Document Reveals Trial 'Fair and Impartial'

By W. J. McCARTHY

A 13-hour public hearing on the wisdom of extending a posthumous pardon to Nicola Sacco and Bartolomeo Vanzetti ended in Gardner Auditorium at the State House at 11:30 o'clock last night after the administrator of the estate of a deceased juror dramatically recited how the juror left documents setting forth the celebrated defendants were given a fair and impartial trial.

The joint legislative committee on the judiciary took the petition under advisement.

White Heat

The long session fanned into white heat the ashes of a fiery controversy cooled by the passage of 32 years.

A long line of proponents for the pardon occupied all but about 15 minutes of the day and evening-long proceedings.

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The one opponent who accepted the invitation to be heard was Atty. Paul J. Burns of 75 State street, who told the committee he felt duty bound to inform it that he was the public administrator of the estate of a Sacco-Vanzetti juror, and that at the time of the latter's death in November of 1956 he was preparing a written account for all the jurors on their thoughts of the controversial verdict.

He identified the juror only as John F. Dever, who became so fascinated with what transpired in the courtroom that he afterward became a lawyer.

Burns said Juror Dever wrote that at no time was there any consideration by the jury as to whether the two accused were "anarchists, bolsheviks or socialists."

(Continued on Page Fourteen)

R.I. Gang Blamed Lawyer Says Confession Clears Sacco, Vanzetti

By S. J. MICCICHE

The hands of time were turned back a generation at the State House yesterday, amid echoes of the pleas for justice for Sacco and Vanzetti, executed as murderers.

One witness said the confession of a gangster cleared Sacco and Vanzetti of the murder for which they were electrocuted.

The most sensational murder trial of this century was being replayed well into last night as believers in the innocence of Nicola Sacco and Bartolomeo Vanzetti appealed

PARDON MOVE

Page Nine

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Sacco-Vanzetti Trial Judge Lashed By Pennsylvania Jurist

PARDON MOVE

Continued from the First Page

The pardon proposal, filed by a Medford legislator, would request Gov. Furcolo to initiate proceedings before the Executive Council to exonerate posthumously Sacco and Vanzetti.

The pleas for pardon came from individuals professing unshakeable conviction that the two men were not only innocent of murder but denied a fair trial as well.

The public hearing before the legislative committee on the judiciary ended at 11:25 p.m. with just one witness in opposition.

The double murder for

which Sacco and Vanzetti were executed 32 years ago, actually was committed by a Providence gang of which "members are still living," a noted New York attorney and author testified in supporting his contention that the condemned anarchists were innocent.

Atty. Morris Ernst, who made an intense study of this, the most controversial case in modern American jurisprudence, declared that the gang leader, Joseph Morelli, now deceased, had admitted to him his participation in the crime.

Ernst's testimony sparked the night session of the hearing in which the legislative committee on the judiciary listened to a parade of witnesses extolling what they termed the innocence of Sacco and Vanzetti and condemning their execution as a gross miscarriage of justice.

Speaks for Juror

Sole opposition to the pardon of Sacco and Vanzetti came from Atty. Paul J. Burns, Boston, representing a deceased juror of famous trial whose dying wish was that the integrity of the jury . . . be made known.

The juror was John F. Dever, who died in 1956. Burns said Dever at his death expressed "concern over unjust abuse heaped upon the 12 jurors by uninformed and bigoted critics" of the trial.

Burns said the jury was convinced of the guilt of the two men, adding that never once between the trial and execution, when the jurors were repeatedly polled, did any of them change their mind.

He told the committee to

start judge and the departed they have no court at all because which they can seek protection against malicious and temperate attacks upon their memory."

Earlier, Justice Michael A. Musmanno of the Pennsylvania Supreme Court, who served with the corps of Sacco-Vanzetti defense lawyers,

thundered that they were the victims of a "vain, stupid, biased and prejudiced" judge.

In further stinging criticism of the trial jurist, Judge Webster Thayer of Worcester, the Pennsylvania justice said he had never encountered a judge presiding over a murder trial so lacking in the high standards that make for an upright judge, so deficient in jurisprudential knowledge and so saturated with personal animosity and prejudice against men on trial before him.

Musmanno's plea to "correct a terrible wrong . . . and heal a grievous wound" was punctuated by frequent applause from an obviously pro-pardon audience of spectators that at times numbered 500 in the State House's Gardner Auditorium.

On numerous occasions, Sen. Harold W. Canavan (D-Revere), chairman of the committee cautioned the spectators and more than once threatened to clear the auditorium.

From the parade of witnesses sympathetic to the pardon proposal came in capsule the events of the murder trial that rocked the world.

Nicola Sacco, a shoe worker, and Bartolomeo Vanzetti, a fish peddler, were convicted of killing a shoe factory paymaster Frederick A. Parmenter, and his armed guard, Alessandro Beradelli, and fleeing with a \$17,000 payroll of the Slater and Morrill Shoe Co. of South Braintree.

The holdup and slayings took place in April, 1920. Sacco and Vanzetti were tried the following year and convicted. Appeals dragged along to Aug. 22, 1927, when they were electrocuted at the Old Charles-town State Prison amid sympathy riots on four continents.

Sacco-Vanzetti Case Revisited

Continued From Page 1

where the "stages" of the prosecution were so unscrupulous, so unethical, and so dishonestly skillful as they were in the Sacco-Vanzetti case," the jurist said.

The pardon petitions were led by Rep. Alexander J. Cella (D.) of Medford, who termed the convictions and executions of the two self-admitted anarchists in 1927, a "gross miscarriage of justice."

Sacco, a shoe worker, and Vanzetti, a fish pedlar, were convicted of the murders of Frederick A. Parmenter, paymaster for the Slater & Morrill shoe factory in South Braintree, and his guard, Alessandro Berardelli, in 1920.

Their prolonged trial and

conviction set off a storm of protest throughout the world.

REVEALS JURY MISTAKE

Disclosure that one of the jurors who convicted the pair had nearly completed a book on the jury's deliberations when he died was made by Atty. Paul J. Burns, administrator of the estate of John Dever, of Brookline, who later became an attorney.

Burns, speaking "out of memory for Dever and other jurors," said the book showed the jury discussed only the evidence presented and was not concerned with anarchy or "any foreign political philosophies brought in by the defense."

Burns also took exception to remarks by Judge Musmanno concerning the ethics of the prosecution, noting that Massa-

chusetts Supreme Court Justice Harold Williams was an assistant on the prosecution staff. In his attack on Judge Thayer, Judge Musmanno led the committee.

WOMAN WARNED

"I have never encountered in life or even in fiction a judge presiding over a murder trial who was so lacking in the high standards which make an upright judge, so deficient in jurisprudential knowledge and so saturated with personal animosity and prejudice against the men on trial."

Turning to the part played by the late Gov. Fuller, Musmanno said the Governor refused to commute the sentences of the defendants because "the whole world pleaded for mercy for the two men."

"He (Fuller) was resentful that the world should show an interest in what was happening in Massachusetts, as if Massachusetts were his own private kingdom," the jurist said.

There were about 400 spectators in the hearing room when Sen. Harold W. Canavan (D.) of Revere, Senate chairman of the joint committee, rapped the hearing to order. He warned the auditorium be cleared of spectators if there was applause or jeering and he also banned the distribution of pamphlets.

Later, Canavan halted the hearing to direct a woman in the audience to refrain from holding up plaster death masks of Sacco and Vanzetti.

Cella, in his address to the committee, called the trial and execution of the pair "a great miscarriage of justice."

The real tragedy, he said, was "the fact that our judicial system with its standards of equity for all was brutally overcome by the onslaught and pressure of blind, unreasoning social forces."

CLIMATE OF HYSTERIA

He said the trial was "greatly influenced by a hostile atmosphere and a climate of hysteria."

"In effect, I am saying to you that the judge, jury, Gov. Fuller and the Lowell Committee, all of which heard the evidence and the arguments in this case, were wrong in their judgment, and those of us who appear here today seeking vindication of the names of Sacco and Vanzetti are right," Cella said.

"This might well represent a new height of presumptuousness," he continued, "were it not for the fact that in the 32 years which have elapsed since the executions historical judgment has almost without reservation reached substantially the same conclusion."

Rep. Edmond J. Donlan (D.) of Boston, House chairman of the committee, asked Rep. Cella how he accounted for the fact that if both Sacco and Vanzetti were pacifists, that both were armed and one went for a gun when arrested.

Cella said testimony about the guns was disputed. He said Vanzetti carried a gun in self-defense because of the wave of "terrorism" that was sweeping the country and the roundup of radicals.

Sacco, he said, was a night-watchman and carried a gun in connection with that job.

Controversy Revived

World wide controversy has continued sporadically since then, and was revived to its current peak of attention by the pardon proposal filed by Rep. Alexander J. Cella (D-Medford). Cella professed his personal conviction that Sacco and Vanzetti were innocent of the crime and unfairly convicted.

Cella, leading off proponents of his measure, said the conviction of two Italian immigrants was due largely to the wave of "anti-foreigner hysteria" that had gripped the Commonwealth at the time of the trial.

As to the avowed anarchism of Sacco and Vanzetti, Cella stressed that they did not believe in violence and "in no sense were they communists."

The Medford lawmaker also asserted that a "sad but indisputable fact" was the absence of the present-day appellate procedures of judicial administration which, had they existed at that time, would have resulted in a new trial for the two men.

Ernst, a spokesman for civil rights, told the judiciary committee, that in a two-hour talk

with Morelli he became "highly convinced" that his Providence gang was responsible for the robbery-killings.

The New York attorney said he posed 200 questions to Morelli, relative to the details which could only have been known by a participant.

Ernst said he asked Morelli if perhaps Sacco and Vanzetti had been in league with his gang. Morelli answered "somewhat disdainfully, 'these guys (Sacco and Vanzetti) know nothing about an operation like this,'" quoted Ernst, adding that the conversation took place in the 1930's.

Morelli, continued Ernst, has attempted to peddle a 574-page manuscript of his autobiography, but it was never published. The manuscript, purportedly containing the reference to the Sacco-Vanzetti

case, is missing, Ernst said, urging the judiciary committee to make a search for it.

The New York lawyer said Morelli identified a former Providence gangland figure as the man who did the actual shooting of Parmenter and Beradelli. This individual was convicted of a New York murder in 1921 and is serving a life sentence in New York, Ernst said.

Justice Musmanno also attached a "prejudiced" label to the late Dist. Atty. Frederick G. Katzman, who presented the prosecution, and Walter Ripley, foreman of the trial jury.

The Pennsylvania jurist told the judiciary committee that in his 40 years of law he had "never encountered a case where the forces of the prose-

cution were so unscrupulous, so unethical and so diabolically skillful as they were in the Sacco-Vanzetti case."

Also supporting the pardon measure, Arthur M. Schlesinger Sr., retired Harvard historian, said Massachusetts has "rectified judicial blunders in

the past and I can't see why this cannot be rectified." He cited the works of U.S. Supreme Court Justice Felix Frankfurter and Harvard Law School Prof. Edmund Morgan which reflect the opinion that Sacco and Vanzetti were not accorded a fair trial.



URGE SACCO-VANZETTI PARDON—Pennsylvania Supreme Court Judge Michael Musmanno and Rep. Alexander J. Cella (D-Medford) at hearing.

Hearing Stirs Hot Debate

(Continued from First Page)

"At no time did John Dever say the jury deliberated on anything but the murder charge," he told the committee. "He wrote that the jury felt the judge's charge was eminently fair."

WOULD BE REMISS

Burns said he felt he would be remiss in his duty as an officer of the court if he did not inform the committee about what a jury thought about the case when throughout the day the committee had heard "hearsay that was remote, distant and emotional."

The 150 spectators in Gardner Auditorium of the State House applauded noisily and violently when a justice of the Pennsylvania Supreme Court described the late Judge Webster Thayer, who presided at the trial which resulted in the conviction and execution of the two anarchists in the 1920's, as:

"Vain, stupid, biased and unqualified."

HISSES AND SNEERS

They hissed and sneered when a legislator retorted that after such statements he was amazed that Judge Michael A. Musmanno had the "confidence you will be able to leave the Commonwealth safely."

The peak of emotion during the hearing, which began in mid-morning and ran late into the night, was a plea for exoneration of the two by the Rev. Roland Sawyer of Ware, now 85 and white of hair, but who 30 years ago took an active part in movements to save the two men.

"We have wiped out the wrongs done the Quakers," said the Rev. Mr. Sawyer. "We have wiped out the wrongs done the Salem witches and Anne Hutchinson. Why can we not do it for Sacco and Vanzetti?"

Which drew from Rep. Edmond J. Donlan of West Roxbury, co-chairman of the committee on the Judiciary, the comment that advocates of the pardon petition, who dominated the audience, were piling "assumption on assumption, inference on inference" in accusing Judge Thayer of prejudice.

To charges that Thayer was biased because of racial prejudice, Donlan pointed out that one of the two men, of whose murder they were charged, was an Italian,

as were Sacco and Vanzetti.

But perhaps the sharpest comments of all came from Rep. George Greene of Roxbury, who is sightless, and who said for that reason he was not impressed by the oratorical arm-waving of Judge Musmanno in presenting what amounted to the summation for the defense.

"You've been waving your hands with charm," said Greene, "and you've made a wonderful speech, but I expected you to take the books and come in here to go through the evidence."

"I didn't expect you to drag the Statue of Liberty in here, or to impugn Gov. Fuller (who refused the two men executive clemency). I am amazed you have confidence that you can expect to leave the Commonwealth safely."

GROW LOUDER

The hisses grew louder as Greene continued his remarks, all but drowning out continuation of the exchange:

MUSMANNO: "I don't think that people who are fair and just will resent what I have said here."

GREENE: "How did you bring all these people in here, by bus or by train?"

MUSMANNO: "I didn't bring a single person here, but despite that I won't have you slur some wonderful people."

NEAR PANDEMONIUM

As the audience reached a point of near pandemonium, Chairman Harold W. Canavan of Revere gavelled it to order and issued a stern warning that any more such demonstration would lead to clearing of the auditorium.

Listeners who remember the 1920s and the hysteria and passion that attended the movement to win the pair freedom in the years between the conviction in 1921 and the execution in 1927 noted that yesterday's audience was just a generation removed from the persons involved in the original case.

Attentive to every word were both grayed old liberals as Mor-

ris Ernst, noted New York Criminal lawyer, and Atty. Herbert B. Ehrmann of Brookline, who attended with Mrs. Ehrmann.

Ehrmann was chief defense counsel for Sacco and Vanzetti during the last two years of appeals.



ERNST

and he has filed with the committee a letter reiterating his "firm conviction that they not only did not, but that they could not, commit the crime for which they were put to death."

But, to what he said was his regret, Ehrmann said he could not support the petition for pardon filed by Rep. Alexander J. Cella of Medford.

VOTE MEANINGLESS

"The Massachusetts Legislature is not constituted," said Ehrmann, "to make the exhaustive study and evaluation of evidence required to arrive at an authoritative opinion. Consequently, a vote for or against such a pardon would be quite meaningless."

Cella's petition asks that the Legislature vote to ask the Governor and Council to declare the men innocent and grant pardons to both.

With his letter, Ehrmann filed a photostat of a letter received from him in 1933 by the then Gov. Joseph B. Ely, who wrote that after reading Ehrmann's book, "The Untried Case," Ely had "no doubt of their innocence."

Sons of two other former governors sat quietly in a far corner of the auditorium during the proceedings, but neither planned to say anything.

They were Peter Fuller and Frank G. Allen, Jr., whose late father succeeded the late Gov. Fuller.

Young Fuller recalled to reporters that he was only four at the time of the tensions, but he did remember the police who guarded the Fuller home against possible reprisals.

FULLER

Other spectators, who obviously

weren't even born at the time, included young students, and even our representatives of the "best generation," three bearded young men and a dark-eyed, blond-haired girl.

WEBSTER'S LETTER

Cella, as sponsor of the resolve, directed the case for a pardon, opening with the reading of a letter from a sister of Vanzetti, Vincenzina Vanzetti, now in Italy, asking that her brother's name be cleared.

Cella asked that the Legislature "correct an historical injustice" resulting from



CELLA
Braintree.

To a question from Donlan as to why Sacco and Vanzetti both carried guns, and why one tried to draw when they were arrested, Cella replied that such testimony was in much dispute.

Vanzetti, he said, worried about terrorism and carried a weapon in self-defense; Sacco because he was a night watchman.

Musmanno, now 60, took the floor at a quarter past noon and launched into an impassioned, 19-page appeal that lasted until the luncheon recess at 1.

PIERCING VOICE

Musmanno orated in a shrill, piercing voice, gesticulating constantly with his hands and arms, removing and replacing his glasses so often as to muss his brushed-back grey hair.

As released to reporters, the appeal was studded with passages from Daniel Webster, Lincoln, John Donne, Harry Elmer Barnes, Romain Rolland and the inscription on the Statue of Liberty.

But in his delivery Musmanno deleted all but Lincoln, Rolland and the Statue of Liberty.

He castigated Judge Thayer as "deficient in jurisprudential knowledge, saturated with personal animosity and prejudice."

The prosecution, directed by the late Frederick G. Katzmann, he said was "unscrupulous, unethical and diabolically skillful."

"One can almost feel sorry for Gov. Fuller," he continued, "because there was thrust upon him a burden for which he was not equipped. With his limited qualifications he did the best he could, and the best was deplorable."

He far as court procedure and admission of evidence were concerned, he brought in the case severely circumstantial capacity which, combined with an inordinate vanity, could only lead him to a chaotically confused view on the entire legal controversy and could only carry him, which it did, to a conclusion which was devoid of order, empty of logic, and totally destitute of the most rudimentary concept of justice."

Judge Musmanno spoke from a text for the most part, but he had his conclusion memorized, and, passing the manuscript from him, asked emotionally that the committee vote to:

"Right a great injustice, correct a terrible wrong, and heal a grievous wound."

The audience burst into a storm of applause.

Under questioning by Rep. Sumner Z. Kaplan of Brookline, Judge Musmanno said he agreed it might be advisable to appoint a committee to study the case and make a finding.

He was taken in turn for examination by committee members,

last being Rep. Antone L. Silva of New Bedford, who said that he had been ready to commend Judge Musmanno for a fine speech, but after listening to his exchange with Greene, thought:

"Your conduct in the past few minutes has been an insult to the great and General Court."

QUICK REPLY

Judge Musmanno was quick to answer: "If you think that, I apologize."

Silva went on to ask if Sacco

and Vanzetti were deprived of a fair trial by the verdict of the jury or the bias of the judge.

"The jury," said Judge Musmanno, "was deceived, it was hoodwinked, it was fooled."

Judge Musmanno closed by addressing the committee as a whole to say:

"If I did transgress today, I am terribly sorry. I intended no disrespect or reflections on the committee."

In all, Judge Musmanno had the floor for a total of three hours.

PREJUDICE CITED

Mr. Sawyer, who was serving in the Legislature at the time of the executions, told the committee that the Sacco-Vanzetti drama was played out against a background of racial prejudice against Italians.

"Judge Thayer hounded these two immigrants because they were Italians and he was deter-

mined to exterminate them," said Mr. Sawyer, recalling a remark, attributed to Judge Thayer, that the judge would get "the damned anarchistic bastards."

Mr. Sawyer recalled that before the trial there had been riots in the textile city of Lawrence by Italian workers.

"Thousands of them roamed through the streets out of hand until the Governor called out the militia. That put fear into the hearts of men like Thayer."

"You young men are not old enough to know what it was like. Unless you've lived in a textile town, you can't."

In marked contrast to his exchange with Judge Musmanno, Rep. Greene commended Mr. Sawyer for his "clear, cool, humble and dispassionate presentation."

On that note, Canavan recessed the hearings for dinner.

When the hearing resumed last

night the proponents introduced Morris L. Ernst, New York lawyer and prominent spokesman for civil rights, who said he was convinced that due process of law was not afforded Sacco and Vanzetti.

He said the late Joe Morelli, notorious Providence gangster, had once described the murders, and had answered questions and details which he said could have been known only to a participant. In talks with Morelli, the witness said "I was thoroughly convinced that nobody could have answered the questions without having lived through the event."

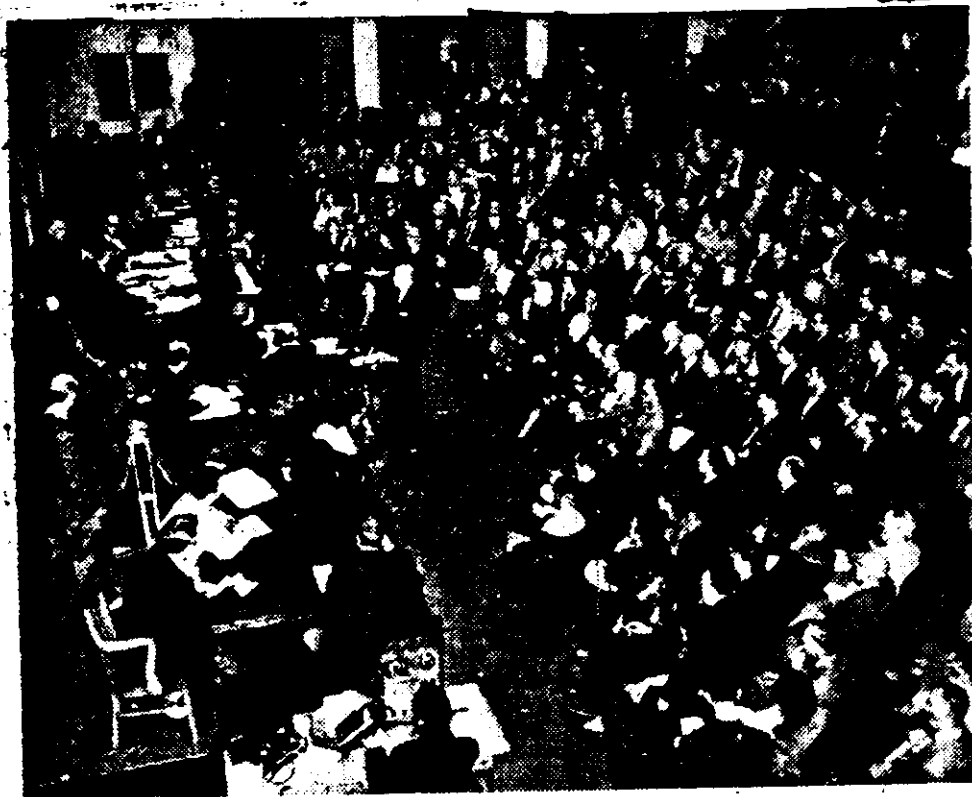
Other proponents who followed Ernst were Prof. Arthur M. Schlesinger, Jr. of Harvard, Prof. John P. Roche, John C. Ort, the Rev. Donald G. Lothrop of the Community Church of Boston, John Howell, chairman of the Liberal Citizens of Massachusetts and Thomas F. O'Connor of Waltham.

Scenes from Sacco-Vanzetti Hearing



RANGE OF EMOTIONS at legislative hearing on petition for posthumous pardons for Nicola Sacco and Bartolomeo Vanzetti as caught by the camera: at left, Judge Michael A. Musmanno in his impassioned plea for exoneration of the anarchists executed for murder 32 years ago; center, Mrs. Mary Donovan Hapgood, a

leader in the fight, first for freedom, then for exoneration, of the two men, shows death masks of them; right, two members of the bearded younger generation and a young woman who happened to be sitting beside them. The hearing stirred prolonged hisses and sneers throughout session. Center and right photos by AP.



RELIVING HISTORY in Gardner Auditorium yesterday was this crowd of spectators listening intently as Judge Michael A. Musmanno of the Pennsylvania Supreme Court appealed to the legislative committee on the judiciary for a recommendation that Nicola Sacco and Bartolomeo Vanzetti, anarchists executed for murder in the 20's be granted a posthumous pardon.

Mr. Tolson	
Mr. Belmont	
Mr. DeLoach	
Mr. McGuire	
Mr. Mohr	
Mr. Parsons	
Mr. Rosen	
Mr. Tamm	
Mr. Trotter	
Mr. Tele. Room	
Mr. Holloman	
Miss Gandy	

Committee For Death Penalty Ban

Sacco-Vanzetti
Pardon Denied in
Solons' Report

By S. J. MICCICHE

Virtual abolition of the death penalty in Massachusetts was recommended by the legislative committee on the judiciary yesterday.

The committee's favorably-reported new draft of the abolition bill provides just three specific exceptions.

Capital punishment would be retained, under the measure, for first degree convictions involving the killing of police officers in the line of duty, prison guards and murder committed by escaping prisoners.

The committee rejected Gov. Furcolo's proposal for a statewide referendum next year on the issue of abolition or retention of the death penalty.

Meanwhile, a proposal providing for a posthumous pardon for Nicola Sacco and Bartolomeo Vanzetti, avowed anarchists whose execution in 1927 climaxed their sensational murder trial, was turned down by a majority of the committee on the grounds that legislative action would infringe upon the constitutional prerogatives of the executive branch.

LEGISLATURE

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Boston Traveler
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Favor Death Penalty In Only Three Cases

LEGISLATURE

Continued from First Page

Also, the committee approved a proposed interpretation of the state's legal sanity statute, broadening it to include uncontrollable compulsion as ground for insanity in capital crimes.

Result of 18 Month Study

The death penalty abolition bill and the proposed revision in the state legal sanity rule are based on the recommendations of a special legislative commission which studied both matters for 18 months. Ten of the commission's 15 members favored elimination of the electric chair, while two were for retention and three others did not record themselves.

Dissenting from the judiciary committee's favorable report on abolition were Sens. Harold W. Canavan, (D-Revere), committee chairman and Sen. Richard R. Caples, (D-Allston), and Reps. Edmond J. Donlan, (D-West Roxbury), John R. Sennott Jr., (D-Cambridge), and Gregory B. Khachadorian, (R-Arlington). Sennott was one of the two special commission members to vote for retention. The other was Msgr. Thomas J. Riley of Cambridge.

During a public hearing of several days duration on the abolition bill, Corrections Commissioner George E. McGrath and spokesmen for Massachusetts police chiefs pointed out to the committee that morale among prison guards and police officers would be adversely affected by outright erasure of the death penalty.

Pardon Ruled Violation

The Sacco-Vanzetti pardon proposal would violate the constitutional separation of powers, the judiciary committee members stated.

The measure provides that the Legislature ask the governor to initiate posthumous pardons for the two central figures of the world-rocking murder trial of nearly 40 years ago.

"We do not believe it is a proper function of the Legislature to pass resolutions which seek to influence the governor in the exercise of his executive powers," the committee majority asserted. "If today, the Legislature requests the governor to grant a pardon to persons no longer living, tomorrow it might be asked to obtain a pardon for someone presently serving a prison term."

In taking this stand, the committee members added that they are not unmindful of all-

that happened in the Sacco-Vanzetti case. We neither condone nor criticize the action taken by the courts."

The committee stated that Article 30 of the State Constitution stipulates the Legislature "shall never exercise the executive and judicial power of either of them" and conversely, for the other two branches "to the end that may be a government of law and not of men."

No dissenters were listed on the Sacco-Vanzetti bill, although several committee members reserved their right feeling that the case should be studied further.

Favor Wire Tap Bill

A bill to restrict law enforcement agencies in the use of wire tapping was also approved by the judiciary committee, again with just one dissenting.

Under the proposal, police authorities would be prohibited from tapping telephone lines to obtain information on the activities, unless given approval by the courts. Agency wire taps would be made, but the law enforcement agency would have to secure court approval within 72 hours.

Present state law requires police wiretapping only with the approval and supervision of the attorney general or district attorney.

Atty. Gen. Edward J. McCormack Jr. favored the bill at a public hearing earlier this year, breaking a practice of his office established by predecessor who had opposed any change in the current statute.

Among other bills reported by committees before yesterday's deadline, Gov. Furolo's proposal to transfer control of the Bridgewater State Hospital for the criminally insane from the Corrections Department to the Mental Health Department was rejected by the legislative committee on state administration.

Also, two bills affecting the sale of M.T.A. land were reported favorably by the legislative committee on metropolitan affairs.

One measure would require the M.T.A. to hold a public hearing prior to selling any of its real estate holdings. The other provides that all sales of land by the transit agency be open to the public. No dissenters were listed on either favorable report.

The bills were filed by Medford legislators following the disclosure that the M.T.A. had sold some of its land at the Medford car barn to a super-

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 Belmont _____
 DeLoach _____
 McGuire _____
 Mohr _____
 Parsons _____
 Rosen _____
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 Tele. Room _____
 Holloman _____
 Gandy _____

Vanzetti's Sister Writes to Helen Sobell

HELEN SOBELL, wife of Morton Sobell now serving a 30 year sentence inflicted on him in the trial of Ethel and Julius Rosenberg, has received the following letter from Vincenzina Vanzetti, sister of Bartolomeo Vanzetti, of the Sacco-Vanzetti case. The letter was sent from Villafalletto, Italy:

VILLAFALLETTO

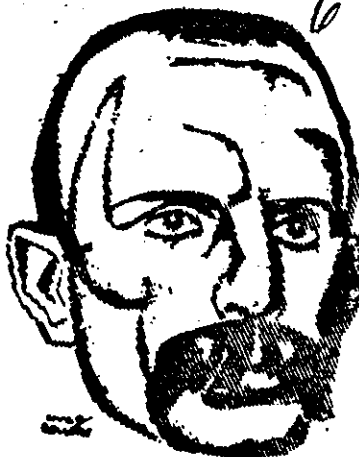
June 7, 1959

Dear Mrs. Morton Sobell,

I had a great problem in finding a translator and this accounts for my delay in answering your heartfelt letter of April 29. Please excuse me. I want to thank you for the words of encouragement you have expressed concern in the efforts now being made for the rehabilitation of my brother and of Nicola Sacco.

I have no other aspiration, no other thought or greater wish in my life. I know from my own personal experience how deep a pain you are suffering on account of the terrible fate meted out to your husband and your family and your outcry which has already been uttered by the great mother of the anarchist of Judea, "Know you a greater grief than mine" as a true touch of the human.

I feel very close to you although I cannot in any appreciable way attenuate your suffering that of your children and of your mother. If my meager voice had the power to move the hearts



VANZETTI

of the impervious and make them just and serene in their inexorable verdict, I would cry out with my last breath, "Be kind, be compassionate! Don't let yourself be ruled by human passions, by hate, by interests, fears or vain pride. Let your actions be such that justice span itself like a blue and gentle sky unclouded so that humanity may still retain faith in itself. See to it that the word JUSTICE should not carry with it a tint of irony to any human ears but that it bring peace to all men."

Mine has been for years a voice crying in the wilderness but we must not give up in weariness. It is a mission we must fulfill to the last for our dear ones, for those who are suffer-

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 The Washington Daily News _____
 The Evening Star _____
 New York Herald Tribune _____
 New York Journal-American _____
 New York Mirror _____
 New York Daily News _____
 New York Post _____
 The New York Times _____
 The Worker _____
 The New Leader _____
 The Wall Street Journal _____
 Date 6-28-59

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ing now and those who have al-
~~ready~~ suffered and are seeking
this ultimate prize, the clearing
of their name. Let us remain
strong and loyal. Let us battle
on ever beyond the fading of
the last hope.

I press close to my heart your
children, poor mother and you to
whom I am linked by ties of
great anguish and by a single
great hope, Freedom for your
husband and honor to my
brother, and his friend Nicola
Sacco.

I haven't the ability to write
an appeal to the New York Times.
If you wish, send this letter of
mine. These few words will bring
to the American people an under-
standing of the thirst of justice
that sears my soul. May America,
the rich and powerful give an
example of magnanimity and
justice, which is the privilege of
the strong.

I am sorry that my ability to
express myself is so inadequate,
and remember me always as I
will never forget you and your
dear family.

I am your affectionately
Vincenzina Vanzetti

P.S. — I have learned of the
painful situation of your hus-
band from the enclosures in your
letter which have been translated
for me. Nevertheless, the fact
that some consideration has been
~~shown recently~~ and the nearness
to you leads one to hope for the
best. Courage!

As Pegler Sees It:

Drama Rules Over Truth on Airwaves

By WESTBROOK PEGLER

NBC RECENTLY undertook to persuade its audience that two murderers who were put to death in Massachusetts in 1927 were innocent men and that public officials who did their sworn duty did wrong. In short, NBC damned due process and justice under law.



PEGLER

The murderers in question, Sacco and Vanzetti, were anarchists, but their political principles were not weighed against them although many fakers of the Communist and Roosevelt cults have insisted that such was the case.

They were armed when they were arrested after a payroll stick-up and murder, and both guns were loaded. They explained that as political enemies of the nation they needed these weapons to defend themselves against patriotic Americans.

But the State of Massachusetts and the overwhelming weight of public belief held that this did not justify them in bearing arms with implicit intent to kill whomsoever they might suspect of intent to harm them. However, they were not punished for that.

NBC and Columbia have become openly engaged in the influencing of public opinion.

When a Jack Paar makes a public show of personal friendship for Fidel Castro, a very dangerous enemy of the United States and a potential host to Soviet Russia's rocket program only a few seconds away from Florida, this is not a mere vagary of an irresponsible, politically incoherent broadcaster who can't make up his mind whether he is a comedian, a corn-salve pitchman or a political agent. It also involves a question of responsibility for the program on the part of NBC.

Radio-TV is licensed by the national government and is not journalism with the right of a free press. So while NBC and CBS may or may not be subject to censorship—a point that is not finally decided—they certainly do court public penalties yet to be devised when they arbitrarily employ a public property, to wit the airwaves, to give moral aid and comfort to an enemy and to exalt murderers as pathetic victims of wicked persecution.

Sidney Lumet directed the Sacco-Vanzetti exploit in two shows, each time spreadeagling the country.

The Sacco-Vanzetti case was scrupulously tried by the State of Massachusetts. Governor Fuller, a gentleman and therefore loathsome to the Red cult, sent to the Supreme Court the controversy to a select committee of excellent citizens after the trial. Nevertheless, Lumet and NBC now have had the effrontery to fool a new generation and discredit the concept of personal responsibility for personal crime and appropriate punishment under law.

Tolson ✓
Mohr ✓
Parsons ✓
Belmont ✓
Casper ✓
Callahan ✓
DeLoach ✓
Malone ✓
McGuire ✓
Rosen ✓
Tamm ✓
Trotter ✓
W.C. Sullivan ✓
Tele. Room ✓
Ingram ✓
Gandy ✓

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184 JUL 23 1960

The Washington Post and Times Herald _____
The Washington Daily News _____
The Evening Star _____
New York Herald Tribune _____
New York Journal-American _____
New York Mirror _____
New York Daily News _____
New York Post _____
The New York Times _____
The Worker _____
The New Leader _____
The Wall Street Journal _____
Date _____

JUL 11 1960

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Even Joseph Welch, who ran the Joe McCarthy lynching, admitted in print that: "To present a truly balanced view of the Sacco-Vanzetti trial would probably rob it of its drama. There was more that could have been said supporting the position that they were guilty."

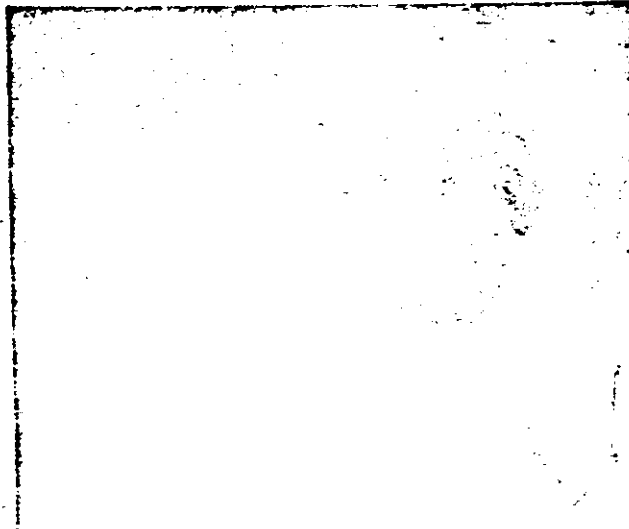
NBC and Welch have made no move to expose the conspiracy against McCarthy for fighting treason in the Pentagon and the State Department. The "balanced view" would rob that exploit of some of its drama.

But what matters historic truth as opposed to drama?

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40-Year Study Reopened

Sacco Gun Bullet May Settle Debate



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OFFICIAL CUSTODIAN of the Sacco-Vanzetti collection, Det. Lt John F. Collins of the State Police, inspects gun from another case.

By ROBERT A. McLEAN
Copyright 1961, Globe Newspaper Co.

The Sacco-Vanzetti murder bullet may hold secrets other than the ballistics markings, which qualified experts will be allowed to test and examine.

An informal examination of the .32-caliber bullet already has been made by a state police ballistics expert, who will reserve his judgment until the tests by outside experts are completed.

Lt. John F. Collins, cus-

todian of the bullet and the firearms collection—evidence in the celebrated 1921 trial—conducted a "casual" comparison-microscope examination of the death bullet some months ago.

Collins noted "a foreign substance adhering to the surface of the bullet," which he said would have to be cleaned off before a complete examination would be possible.

DEATH BULLET
Page Five

Mr. Tolson _____
Mr. Belmont _____
Mr. Mohr _____
Mr. Callahan _____
Mr. Conrad _____
Mr. DeLoach _____
Mr. Evans _____
Mr. Malone _____
Mr. Rosen _____
Mr. Sullivan _____
Mr. Tavel _____
Mr. Trotter _____
Tel. Room _____
Mr. Ingram _____
Miss Gandy _____

Boston American, Boston, Mass.
Boston Globe, Boston, Mass.
Boston Herald, Boston, Mass.
Boston Traveler, Boston, Mass.
Christian Science Monitor,
Boston, Mass.
Daily Record, Boston, Mass.

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Continued from the First Page

Massachusetts Safety Commissioner Frank S. Giles has authorized testing the bullet by both a foreigner and other experts, including a prominent Boston hematologist.

Payroll guard Alfonso Berardelli was killed by four bullets in the South End drive robbery-slaying. The 32-year-old was the third removed, according to government testimony at the trial.

Dr. Boyd and Joe Weller, who is an internationally known biologist and associate of the United States Military Academy museum at West Point, have been retained by a Wellersey author to conduct the tests.

Bullet Comparison

Bachelor of Science degree in
Education, 1941, State College,
California; Bachelor of Science
degree in Education, 1943, State
College, California; Bachelor of
Science degree in Education, 1945,
State College, California; Bachelor
of Science degree in Education,
1947, State College, California.

For such comparison purposes, the following information is provided:

"...and the fact that the defendant was found at the scene of the crime, and the fact that the defendant was found in possession of the stolen goods, are circumstances which tend to establish the guilt of the defendant."

Sanchez, a 40-year-old man, was shot in the chest on a bullet-riddled car parked on the left side of the surface left by an imperforated car door.

How many of the 22-slug com-
mune will one of these which
Wells said are from Eneco's
supplies, right?

"I couldn't say," said Z. Collins, "but knowing the condition of the gun barrel at present."

The state detective believes in the fallacy of 1921, although not a complete fallacy in testimony based on comparison taken by impartial examination. The tests was subjective and solve a dual purpose.

which Montgomery referred to as a number of complete 22-caliber Sacco-Vanzetti caliber cartridges taken from Sacco by arresting officers. The murder of Sacco was of the same

...and Jerry's View

Witness student of the FBI School of Criminal Justice, Sacramento, California, who was present at the defense hearing Robert H. Montgomery, and that he was unable to find corroborating the significance of either sighting of the same ballistic testimony given by him and witness to test-fire during the controversial trial plus the presence in Sacco's

The six Winchester-brand cartridges involved are part of the S-V firearms collection which is in Lt Collins's custody.

"The obsolete-bullet evidence," Montgomery wrote, "was a separate and distinct piece of evidence, dependent upon the facts brought into the case by the defense expert, and upon a comparison of the bullets found on Sacco's person and the fatal bullet—which could be made by the jurors or any layman without a microscope."

~~Other conditions being
what might a complete
examination of the death dug
be a test barrel using the~~

Ballistics Experts To Compare Slug With Murder Bullet

Sacco's Gun Fired Again

By ROBERT A. McLEAN

Nicola Sacco's black Colt automatic spat name and lead harmlessly into a barrel of cotton wadding yesterday.

The first official firing in 40 years of the celebrated Sacco-Vanzetti murder trial weapon was a landmark in the science of ballistics.

Its significance to the Sacco-Vanzetti case is inconclusive, however, pending a complete evaluation of the test firing the S-V firearms collection.

Two ballistics experts, retained by a Wellesley author to conduct the tests, will make a confidential report to him later.

Crux of the report will be evaluation of the comparison between the test bullets fired yesterday, and the so-called Sacco-Vanzetti death bullet.

Comparison-microscope examination of the death bullet and test slugs; and binocular-microscope matching of cartridges found at the murder scene and cartridges from the test bullets, were the heart of the test.

Ballisticians Jac Weller and Frank J. Jury would discuss officially only that part of the test involving comparison of the 1961 test bullets with others fired for testing purposes in 1921.

"It was possible to make this comparison with bullets fired 40 years ago," Weller said. "That such a comparison was possible is extremely important to the science of ballistics," he added.

The .32-caliber pistol was fired six times, using some new cartridges and some of the trial-era vintage. The cartridge casings were also used in comparison tests with casings found at the scene of the 1920 South Braintree holdup-slaying.

The two experts also examined the five-shot revolver Bartolomeo Vanzetti carried when arrested—but which never was linked to the Braintree murder. During the trial, evidence was presented in an attempt to identify the gun as

that taken from one of the victims by his slayer.

"The evidence presented concerning the Vanzetti pistol would be thrown out of a trial today," Weller commented.

Fired Into Barrel

Present at the Massachusetts State Police ballistics laboratory for the tests were Francis Russell of Wellesley Hills, sponsor of the tests, and Lt John F. Collins, police ballisticians and custodian of the Sacco-Vanzetti arms exhibit.

The pistol was fired into a small metal barrel, stuffed with ordinary cotton padding which trapped the slugs to be compared. This is one of several standard procedures in conducting such tests, Jury said.

"The first two bullets fired were found to bear foreign matter, apparently adhering to the interior of the gun barrel," he said.

"The subsequent bullets fired cleanly, however, and the striations on the metal were clearly visible and readily comparable to those which were test-fired in 1921," he added.

Striations are a particular pistol's trade mark, microscope scratches and scorings in the bullet caused by imperfections in the gun barrel through which they are fired.

The big question, of course, is whether the test bullets fired yesterday matched the mortal bullet, taken from the body of the Braintree slaying victim—and if the cartridge casings from the 1961 test compare with the so-called Fraher shells, which were found near the bodies.

Check Breech Marks

The casings also were examined minutely under a binocular microscope, side by side, to see if the breech-block impressions—another of a particular gun's signatures—were the same.

The breech-block test, which compares impressions made by a firing pin, an ejector mechanism and other parts of the

pistol's firing chamber, also was presented in evidence during the Sacco-Vanzetti trial.

Both Weller and Jury expressed amazement at the condition of the old casings, and the relative ease with which they could be compared to those tested yesterday.

Weller, a Princeton University ballistics engineering lecturer and associate curator of the military museum at West Point, is associated with the United States Army ordnance test center at Aberdeen, Md.

Jury, retired Army ordnance officer and former New Jersey state police ballisticians, is employed by a Connecticut gun-sign firm.

Mr. Tolson _____
Mr. Belmont _____
Mr. Mohr _____
Mr. Callahan _____
Mr. Conrad _____
Mr. DeLoach _____
Mr. Evans _____
Mr. Malone _____
Mr. Rosen _____
Mr. Sullivan _____
Mr. Tavel _____
Mr. Trotter _____
Tele. Room _____
Mr. Ingram _____
Miss Gandy _____

☒ BOSTON GLOBE, Boston, Mass.
☐ BOSTON HERALD, Boston, Mass.
☐ BOSTON TRAVELER, Boston, Mass.
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(Mount Clipping in Space Below)

Tests/Probe Death Bullet Came From Sacco's Gun

By ROBERT A. McLEAN

The murder bullet which helped send Nicola Sacco and Bartolomeo Vanzetti to the electric chair was fired from Sacco's pistol, according to new ballistic test results released for the first time yesterday.

Francis Russell, Wellesley author and historian, sponsored the blood and ballistics test last Fall, after the famous trial firearms exhibit was returned from private to official custody through a series of exclusive Globe stories.

The Russell tests remained confidential until an article by him in the June issue of American Heritage magazine, which appeared yesterday.

Two internationally-known ballisticians, after comparing the death slug with others fired from Sacco's 32-caliber automatic on Oct. 11, 1961, reported that the murder bullet "was fired in Sacco's pistol, and in no other."

Jac Weller, honorary curator of the West Point Museum, and Col Frank Jury, former chief ballistics for the New Jersey State Police, conducted the examination at Massachusetts State Police headquarters.

In an earlier examination, Prof. William Boyd of the Boston University Medical School—also retained by Russell—tested the death bullet for traces of blood.

Sacco was carrying the automatic when he and Vanzetti were arrested shortly after the Apr. 15, 1920 robbery of a South Braintree shoe factory, in which a paymaster and his guard were slain.

The murder bullet, known as Bullet No. 3, was removed from the dead payroll messenger, Alessandro Berardelli. Testimony on the Sacco pistol and Bullet No. 3 comprised a major part of the ballistics evidence offered at the trial, the most celebrated in the annals of Massachusetts law.

Sacco and Vanzetti were convicted in 1921 and after protracted appeals and hearings, executed in August, 1927.

Russell arranged the 1961 tests, which employed modern ballistics comparison equipment and techniques, in connection with research for his forthcoming book, "Tragedy At Dedham," scheduled for

File 7

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(Indicate page, name of newspaper, city & state)

BOSTON Globe, Boston Mass.

14 BOSTON HERALD, Boston, Mass.

BOSTON TRAVELER, Boston, Mass.

CHRISTIAN SCIENCE MONITOR, Boston, Mass.

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Edition: Late City
Author: Robert A. McLean
Editor: George E. Minot
Title: NICOLA SACCO
BARTOLOMEO VANZETTI

Character:
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August publication.

Compared Shells

Ballisticians Weller and Jury not only compared Bullet No. 3 with test slugs from the gun, but also compared the breech-block impressions on shells found at the murder scene with the cartridges used in the 1961 test.

In the magazine article, Russell said:

"In the light of the most recent ballistics evidence, and after reviewing the inquest and autopsy reports, as well as the trial testimony, I felt I could come to no other conclusion than that the Colt automatic found on Sacco when he was picked up by police was the one used to murder Berardelli three weeks earlier."

"Whether Sacco himself pulled the trigger of his automatic that day in South Braintree, whether he was even present, cannot be established definitely," Russell continued.

"But if he did not fire it,

and if in fact he was not there, then one of his close associates must have been the murderer. The ballistics evidence leaves no alternative," Russell asserted.

To further bolster his convictions, Russell reported a conversation which reportedly took place between New York anarchist leader Carlo Tresca and writer Max Eastman shortly before Tresca was slain in 1943.

Tresca, Russell noted, was the man who chose the original trial lawyer for Sacco and Vanzetti, and whose influence was felt throughout their trial and appeals.

"The subject of Sacco and Vanzetti came up," Russell said of the conversation, "and Eastman asked Tresca if he would feel free to tell him the truth about them."

"Without hesitation, Tresca replied, 'Sacco was guilty, but Vanzetti was not.' At that point the talk was interrupted, and Eastman never saw Tresca again.

Four years ago Russell, in an American Heritage article, said he was convinced that the two men were innocent, victims if not of a judicial frame-up, at least of an ironic fate.

"But after the ballistics tests of 1961 I felt that, at least in the case of Sacco, I could no longer hold my opinion," Russell said.

"Whatever my altered views about Sacco," he asserted, "I still continue to feel that Vanzetti was innocent," Russell added, in referring to the Tresca-Eastman conversation, among other things.

"To my mind, the most that can be said against Vanzetti is that he must have known who did commit the Braintree crime."

"As far as the guns and bullets in the Sacco-Vanzetti case are concerned, the evidence is in, no longer to be disputed. The human problem remains," Russell concluded.

Tolson _____
 Belmont _____
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 Evans _____
 Malone _____
 Rosen _____
 Sullivan _____
 Tavel _____
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 Tele Room _____
 Holmes _____
 Gandy _____

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Sacco and Vanzetti—Guilty or Not?

New Light on an Old Crime

By ~~Francis Russell~~
 On ~~July 15, 1920~~

1927, ~~Francis Russell~~ and
 Bartolomeo Vanzetti—"a
 good shoemaker and a
 poor fish peddler" in the
 usual emotional phrase—
 were executed for murder
 by the State of Mas-
 sachusetts.

It has long been assumed
 by men of good will that
 they were innocent Italian
 radicals, the victims of con-
 servative Yankee prejudice.

Before, during and after
 their trial an extraordinary
 campaign was waged
 in their behalf. Their cham-
 pions eventually included Fe-
 lix Frankfurter, Heywood
 Brodin, Anatole France, Rob-
 ert Benchley, Edna St. Vin-
 cent Millay and John Dos
 Passos to name, quite liter-
 ally, only a few.

Trial Judge Webster Thayer
 became, in the intellect-
 ual myth, a splenetic villain
 who desecrated the flag he
 waved.

NEW EVIDENCE

Now Francis Russell,
 author of a previous, popu-
 lar book supporting their
 innocence, has written an
 article in American Heritage
 casting doubt on the whole
 Sacco-Vanzetti folk tale.
 Mr. Russell had modern
 ballistic tests made on bul-
 lets and on Sacco's pistol,
 preserved from the trial.

The tests—conducted with
 equipment greatly superior
 to that used originally—
 show conclusively that Sac-
 co's gun fired the shot that
 killed a payroll guard dur-
 ing a holdup on April 15,
 1920.

Mr. Russell concludes that
 Sacco was guilty.

He also concludes, less em-
 phatically since there is no
 ballistic evidence that ap-
 plies, that Vanzetti is inno-
 cent.

IN light of the new evi-
 dence, it might be well to
 study the whole case once
 again.

A generation of good
 hearted men became grand-
 fathers content in the be-
 lief that Sacco and Vanzetti
 were maliciously framed be-
 cause they were
 agitators.

Back when they were
 young, in the fat years be-
 tween World War I and the
 Depression, capital and la-
 bor were locked in a fur-
 ious bloody, foolish battle.
 Both sides used violence.
 Strike breakers beat in the
 heads of innocent workers
 seeking their rights and la-
 bor bullies blew up mines,
 mills and in one case the ex-
 Governor of Colorado.

The Attorney General, A.
 Mitchell Palmer, weak-
 headed but head-strong, con-
 ducted a wild campaign in
 which he arrested thousands
 of innocent bystanders who
 happened to have political
 positions to his left.

Mr. Palmer was properly
 denounced by thousands of
 intelligent non-radical Amer-
 icans.

FUEL ON THE FIRE

It was in the midst of all
 this—with the emotional
 fires already blazing—that
 the Sacco-Vanzetti case came
 like a splash of gasoline.

The two immigrant work-
 men were active radicals,
 philosophical anarchists and
 semi-professional agitators.

In the spring of 1920 they
 were arrested.

It is an interesting but not
 widely known fact that Van-
 zetti was convicted of two
 payroll crimes after his ar-
 rest. The first, an unsuccess-
 ful attempted robbery, oc-
 curred in Bridgewater, Mass.,
 on Christmas Eve, 1919.

Five eyewitnesses, includ-
 ing the guard who exchanged
 shots with him, testified
 that the gunman at Bridge-
 water was Vanzetti. The
 only defense witnesses were
 friends of Vanzetti who said
 he was peddling fish in Ply-
 mouth at the time of the
 crime. The principal one, a
 13-year-old boy, admitted
 during cross-examination
 that his father had schooled
 and rehearsed him in his
 testimony. Vanzetti did not
 take the stand. He was con-
 victed and sentenced to 12
 years.

It is hard to see how any-
 one could suggest that in
 this instance Vanzetti did
 not receive a fair trial and,
 apparently, no one has. Ed-
 mund M. Morgan, of Har-
 vard Law School, the author
 of "The Legacy of Sacco-
 Vanzetti," who was definite-
 ly on their side, concludes
 that in this case Vanzetti
 was rightfully convicted.

THE MURDERS

Now for the second and
 celebrated case. On April 15,
 1920, the paymaster of the
 Slater & Morrill shoe fac-
 tory in South Braintree,
 Mass., and his guard were
 attacked by two gunmen,

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Washington Post and
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 The Washington Daily News
 The Evening Star
 New York Herald Tribune
 New York Journal-American
 New York Mirror
 New York Daily News
 New York Post
 The New York Times
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 The New Leader
 The Wall Street Journal
 The National Observer
 Date _____

JUN 19 1962

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killed and robbed of some \$15,000. The gunmen escaped in an auto containing three other men.

The impression has solidified over the years that the local police and the Department of Justice were pursuing Sacco and Vanzetti as radicals before the crime and that they seized this opportunity to frame them for murder.

Justice Felix Frankfurter, perhaps their foremost advocate, dispels that illusion in his account of their arrest in his book "The Case of Sacco and Vanzetti."

The Bridgewater Police Chief had learned from the witnesses to the first crime that the Bridgewater bandits had appeared to be Italians and that they had fled in an auto toward Cohasset. Autos were something of a rarity in 1919. The Chief decided to look for an Italian owning or using a car in the Cohasset area. He found one, a man named Boda. Mr. Boda's car was in a garage for repairs.

The Chief left instructions that he be informed when anyone came to pick up the car. On May 5, Boda and three other men came to get the car. One was a man named Oreiani. The other two were Sacco and Vanzetti.

When arrested a short time later, Vanzetti had a fully loaded .38 revolver in his pocket and four shotgun shells. (For what it's worth, the gunman in the Bridgewater crime used a shotgun.) Sacco, when arrested, was carrying an automatic .32 pistol loaded with nine cartridges and he had 21 extra cartridges in his pocket.

LIES AND DENIALS

When questioned, both men lied extensively and thoroly, denying they knew Boda, denying they had been at the garage earlier and giving false stories to account for their possession of firearms. They later admitted the lies, saying they thought they were being arrested for their radical political views.

Vanzetti was first convicted of the Bridgewater attempt.

Then he and Sacco were tried for the South Braintree holdup and murder. The evidence consisted principally of alibi witnesses, ballistic testimony and eyewitness accounts. The ballistic testimony for both sides was inept and created only confusion.

The State produced seven witnesses who said they saw one of the bandits either standing on the running board or leaning out of the window as the getaway car sped away. They agreed substantially that the man was around 30 years of age, weighing 140 to 145 pounds, dark complexioned, with sharp features and black hair.

The description fit Sacco. Four of these witnesses actually identified the man as Sacco. Three other witnesses identified Sacco as a man they'd seen in the vicinity of the holdup a short time before the crime. A fourth said he saw a man he "felt sure" was Sacco but he couldn't be "positive."

All witnesses were vigor-

ously cross-examined by defense lawyers. Considerable doubt was cast on the characters and testimony of two—one who said she'd seen Sacco in the vicinity before the crime and one who said he saw Sacco in the car after the crime. The other five witnesses who positively identified Sacco emerged with their characters and testimony in good shape.

VANZETTI SEEN

The testimony against Vanzetti was less forceful. A man from Cohasset said he saw Vanzetti get off a train at East Braintree the morning of the crime. Another witness said he saw Vanzetti sitting with four other men in a large car shortly before the holdup.

A railway-crossing watchman on the New York, New Haven & Hartford said that about an hour after the crime he stopped a large car which had approached his station at Brockton at a high speed. He said one of the men in the car leaned out and yelled at him: "What in hell did you hold us up for?" He said the man repeated the question a moment later when he waved them on.

He said the man was Vanzetti.

A third witness, who said he saw Vanzetti in the car in South Braintree, was a man of dubious reputation and he was conclusively impeached.

To counter the prosecution's direct testimony, the defense called 28 witnesses who testified they saw the bandit car or the men in it. Most said they had seen neither Sacco or Vanzetti.

One said on cross-examination he could not positively say that Sacco was not one of the men. Another said he didn't believe the man with the gun was either Sacco or Vanzetti but he couldn't be positive. Another said he was sure Vanzetti wasn't in the car but he wasn't sure about Sacco.

Specific doubt was cast on the testimony of nine of the defense witnesses and in general such negative testimony is less persuasive than affirmative testimony. Justice Frankfurter in commenting on the prosecution witnesses dwelt on the improbability of two of them being able to see a face as clearly as they contended from a distance of 80 feet in the space of a few seconds.

It seems less probable that anyone could study five different faces as they flashed by in a speeding car and say positively that a certain man was not among them.

ALIBIES

The other main line of defense was the calling of alibi witnesses. Sacco admitted he was not at his regular job in a shoe factory. He claimed that he had gone to Boston to arrange for a passport visa since he intended to take his family to Italy.

Vanzetti's alibi was remarkably similar to the one he had used unsuccessfully in his first trial. He said he was in Plymouth selling fish. His principal witnesses were the same family he called in his first—a Mr. and Mrs. Brini and their son Beltrando, 13. Beltrando

Cannon Answers New Smear About Sacco-Vanzetti Case

Printed below is a copy of a letter sent by James P. Cannon, national chairman of the Socialist Workers Party, to *The New Republic* magazine. At the time of the Sacco-Vanzetti case Cannon was a leader of the Communist Party and head of the International Labor Defense which undertook the defense of the imprisoned Italian anarchists.

Since the legal murder of Sacco and Vanzetti by the Massachusetts authorities in 1927 there have been many books and articles written demonstrating their innocence, the court's anti-foreign and anti-radical prejudices and the actual mechanics of the frame-up. This almost unanimous literary verdict on the case was broken in 1960 by a Boston corporation lawyer with a book declaring Sacco and Vanzetti were guilty. This was utilized by the ultra right for revived propaganda that the trial had been fair and the verdict just.

Now a book has appeared with a new gimmick: Vanzetti was innocent but Sacco was guilty. This book, *Tragedy in Dedham* by Francis Russell, was demolished detail by detail in a review in the March 2, 1963 *New Republic* by Michael A. Musmanno who had participated in the campaign to save Sacco and Vanzetti. Russell protested the review in a letter to the magazine's correspondence column of March 23. In that letter he made the reference to Cannon which the SWP leader deals with below.

Sirs:

I was astounded to read the statement by Francis Russell in your correspondence column of March 23 that "James Cannon who organized the International Labor Defense to aid Sacco and Vanzetti admitted privately that he thought Sacco was guilty." (Emphasis added.)



James P. Cannon

After reading this revelation of my private thoughts about a case that began 43 years ago, I managed to get a copy of Mr. Russell's book *Tragedy in Dedham* which I had previously missed. There I found on page 332 that Mr. Russell had explained my attitude somewhat differently, as follows: "After his expulsion from the party, James Cannon, the International Labor Defense's executive secretary, was to admit privately — much as Moore did — that he felt Sacco was guilty." (Emphasis added.)

The truth is that I have never felt or thought that Sacco was guilty. I have always thought they were innocent, and have never expressed a different thought or feeling, privately or publicly, anywhere at any time.

- Tols _____
- Bel _____
- Moh _____
- Ca _____
- Ca _____
- Conrad _____
- DeLoach _____
- Evans _____
- Gale _____
- Rosen _____
- Sullivan _____
- Tavel _____
- Trotter _____
- Tele Room _____
- Holmes _____
- Gandy _____

[REDACTED]

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[REDACTED]

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[REDACTED]

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- The Washington Post and Times Herald _____
- The Washington Daily News _____
- The Evening Star _____
- New York Herald Tribune _____
- New York Journal-American _____
- New York Mirror _____
- New York Daily News _____
- New York Post _____
- The New York Times _____
- The Worker _____
- The New Leader _____
- The Wall Street Journal _____
- The National Observer _____
- Date 4-22-63 _____
- The Militant _____
- Page 3 _____

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as we noted earlier admitted on the stand that his father had coached him in his story.

In the second trial Mrs. Brini again furnished the alibi, this time supported by her daughter Le Favre. The Brinis were old and dear friends of Vanzetti.

VERDICT

After hearing the witnesses, the attorneys and the charge by Judge Thayer, the jury found both men guilty.

The Defense attorneys naturally and properly appealed. Their arguments covered a wide range of legal points and, under a peculiarity of Massachusetts law, the trial Judge, Webster Thayer, ruled on them. The points, it can be safely said, were not spectacular, but Judge Thayer's position has come up for considerable comment.

The general picture has been that Judge Thayer behaved thruout the trial in an obviously bigoted manner.

This is simply not true, and the Defense in its appeals did not cite a single example suggesting prejudice during the trial. It became known, however, that outside the courtroom, Judge Thayer told various people that he thought the defendants were guilty and should be hanged.

This, as a special investigative committee later concluded, was obviously injudicious and improper. But it occurred outside the courtroom and could hardly have influenced the jury.

The jurors, indeed, told the committee that at no time could they tell whether the Judge thought the defendants guilty or innocent.

From the records of their lives, from their letters and their friends, it seems reasonable to assume that Sacco and Vanzetti were unselfish idealistic men, wholly devoted to the betterment of their fellow workers.

It is also reasonable to conclude, from the vantage of 40-years-after that they were payroll bandits.

AFFIRMATION

As the years went by, the appeals reached the Superior

Supreme Judicial Court of Massachusetts on three separate occasions. Each time the high court affirmed the lower court. The U. S. Circuit Court of Appeals and the U. S. Supreme Court refused to intervene.

As has been indicated, the Governor of Massachusetts appointed a select committee to review the trial, the new evidence and the appeals.

The committee—President Abbott Lawrence Lowell, of Harvard, President Samuel W. Stratton, of Massachusetts Institute of Technology, and Robert Grant, a retired probate judge—found that the trial was fair, the appeals without substance and the men properly convicted.

The conduct of the Judge and prosecutors were subjected to the most intensive examination and claims of impropriety were thoroughly and publicly analyzed.

THE DEFENSE

It might be fitting to note for a moment the improprieties of the defense and its supporters. A defense aide, Albert H. Hamilton, was caught redhanded in an attempt to substitute a new barrel for the rusty one in the Sacco gun. Had he succeeded, meaningful ballistic tests would have been impossible.

A Sacco-Vanzetti advocate, Mr. Morgan, admits that Hamilton's explanation of what he was up to "could be credited only by the most credulous." A defense attorney, Fred H. Moore, was reprimanded for trying to blackmail a prosecution witness into changing his testimony.

No one would contend that the official handling of the Sacco-Vanzetti case was ideal. Judge Thayer, aside from his out-of-court conduct, was an old man and apparently was not at the height of his mental powers, but it is hard to say that his stupidity weighed against the defendants. The cross-examination of the defendants was very rough, but it was certainly in the American tradition of cross-examination. Its parallel can be found in most any court in the land.



Bartolomeo Vanzetti (left) and Nicola Sacco.